

METROPOLITAN RAILROAD COMPANY.

[To accompany Bill H. R. No. 768.]

MAY 24, 1860.

Mr. HUGHES, from a minority of the Committee on the District of Columbia, submitted the following

MINORITY REPORT.

The Committee on the District of Columbia, to whom was referred the memorial of the select committee of the directors of the Metropolitan Railroad Company, beg leave to submit the following report :

Your committee have carefully examined the said memorial and the evidence which has been laid before them, in support of the statements which it sets forth, and the result of their investigation shows :

That on the 3d March, 1853, Congress passed a law entitled "An act to incorporate the Georgetown and Catocin, or Metropolitan Railroad Company." By this act it was provided, "That whenever the State of Maryland shall, by law, incorporate a company to lay out and construct a railroad from any point in connexion with the Baltimore and Ohio railroad, at or near the Point of Rocks to Georgetown, in the District of Columbia, the right of way, not exceeding sixty feet wide, be, and is hereby granted to such company," &c. This company was to exercise and possess powers and franchises within the District of Columbia, which should be granted by Maryland within that State.

At the January session of 1853 the general assembly of Maryland did pass an act entitled "An act to incorporate the Metropolitan Railroad Company," by which several gentlemen whose names are mentioned, some of them citizens of the District, and others of Maryland, were appointed commissioners to receive subscriptions to the capital stock of the Metropolitan Railroad Company, which was thereby incorporated, on the subscription of ten thousand shares of fifty dollars each, on which a payment was to be made at the time of subscription of five dollars per share.

By the 10th section of this act the company was invested with the right to construct and repair a railroad from Georgetown, in the district of Columbia, through Montgomery county, crossing the Baltimore and Ohio railroad at a point not exceeding five miles from the Monocacy aqueduct, &c. This act was passed on the 5th May, 1853, and was consequently within the provisions of the act of Congress of the preceding March.

On the 6th March, 1856, an amendatory act was passed by the general assembly of Maryland, dispensing with the requirement contained in the original act of incorporation that the road should be constructed to Hagerstown before any dividends should be declared.

By virtue of this conjoint action of Congress and the legislature of Maryland, the company thus incorporated became entitled to the right of constructing a railroad within the District of Columbia, from Georgetown, through certain parts of Maryland.

The memorialists now solicit Congress to authorize this company to construct railway tracks through certain parts of the cities of Washington and Georgetown. Your committee entertain no doubt of the legal power of Congress to grant the authority thus asked, and as little as to expediency of conferring it upon proper conditions, and with suitable restrictions and conditions. The power to make this grant has been so repeatedly exercised by Congress in cases exactly analogous, that it is believed its validity cannot admit of a reasonable doubt, and it is certain that it has in repeated instances been done, not only with the distinct concurrence of the adjacent States of Virginia and Maryland, but at their special instance and request.

The question of expediency demands a more extended notice, and as there have arisen some serious misapprehension as to many facts connected with this branch of the case, your committee will, with as much brevity as is consistent with a fair exposition of the subject, submit the results to which they have been conducted by the most satisfactory evidence. In presenting the view of the grounds upon which they have formed their opinions, they will be able to correct some of the errors, as they conceive them to be, upon which objections have been founded to the grant which is now asked. It seems to be universally conceded that on every ground of public benefit and private convenience the establishment of railroads with commodious arrangements for the transportation of passengers, &c., is highly desirable. The various cities to the north, more especially Philadelphia and New York, have fully recognized the advantages resulting from this system. The numerous railways constructed in those cities have demonstrated beyond all doubt to the satisfaction of their respective communities the vast benefits of which they are productive.

In every aspect of the case the advantages resulting from its adoption in this District would be and must be far greater. In those older cities the streets are of much smaller dimensions than those in Washington. Few, if any even, of the streets in the recently built parts of Baltimore, Philadelphia, New York or Boston, can be compared in their dimensions, or in their adaptation to the use of railroads with those of Washington. The Pennsylvania avenue and other streets through which it is contemplated to construct these roads are so ample in their dimensions as to allow of them without any hindrance to their employment in any other way.

The great distances between the termini of these projected improvements would seem to require some facilities for intercourse between them far greater than is now enjoyed. To go from one extremity of Washington to the further end of Georgetown is almost an impracticable day's labor for any but a robust and active pedestrian. Even

with the facilities afforded by omnibuses it is no inconsiderable task. The introduction of railroads and passenger cars would largely conduce to the comfort and convenience of the citizens of both places.

This view of the case is so universally acknowledged and appreciated, that it is deemed unnecessary to dilate upon it further.

Other considerations, of a far more enlarged character, have been presented to the consideration of the committee, to which they will now briefly advert.

This part of the subject involves questions of the highest import. The value of the railroad system to be introduced into the cities of the District is influenced by peculiar circumstances growing out of their position, distinguishing this locality from all the cities to which reference has been made.

Boston and New York, to a great degree, and Philadelphia and Baltimore, to a considerable extent, are the natural termini of communications with the interior country. When passengers reach them from any quarter, they are frequently at the end of their journey; when produce arrives, it is either to be consumed on the spot or shipped abroad. The District of Columbia occupies a different position. It constitutes a common centre; every communication does, or ought to, radiate from it. Travellers from the north to the south, from the east to the west, and contrariwise, may, or ought to, find channels of communication scantily afforded by any other position in this District. The capacity for this facility of communication to the north, the south, the east, and the west, was distinctly seen by General Washington, and entered largely into the consideration which induced the selection of the District as the permanent seat of the federal government. Similar views were taken of the subject by Mr. Gallatin, who, while Secretary of the Treasury, in a very able report made to the Senate in 1808, explained them at large.

It is in the two aspects of the case to which we have adverted that the committee has maturely considered the subject referred to them. They estimate very highly the advantages which would result to the private and public interests of the cities of Georgetown and Washington from a judicious and properly arranged and conducted system of railroad communication through them. They appreciate still more highly the far more enlarged and national benefits which must accompany the union of these local advantages, if the same system can be so framed as to make this road the regular and convenient channel of communication between the different sections of this great empire—if the District of Columbia can be made the centre from which shall radiate to the north, south, east, and west, the great lines for transportation.

The combination of these two important purposes would realize the hopes of Washington and the proposed views of Gallatin.

The only remaining question which the committee has thought it necessary to examine is, whether the project of the memorialists in this case afford any reasonable promise of the accomplishment of these great results. We think that they certainly do.

To enter into a particular examination of all the facts which have conducted us to our conclusions would be to extend this report to an

unreasonable length. The committee therefore refer with much pleasure and satisfaction to the very able report made by the acting chief engineer of the Metropolitan Railroad Company, dated July 2, 1855, which they make part of this report, and the memorial of the committee of the directors of the company referred to them. We are of opinion that these documents fully establish these points:

1. That the Metropolitan railroad is an essential part of the system of railroads centering at the seat of the general government, and the successful completion and operation of the system depends upon the construction of this road.

2. The full development of the advantages and true policy of the Baltimore and Ohio railroad demands its construction.

3. The local interests of Georgetown, Washington, and Alexandria are dependent upon it.

4. When completed, it will exercise an influence upon these cities equal to the most sanguine expectations.

5. It will undoubtedly be a remunerating road; it can be completed without exceeding the estimates, and whatever may be the present delays and difficulties, the inducements for its construction are too great to doubt it will be built.

These conclusions are distinctly proved by the report of the acting engineer already cited, and established by him with an argument founded upon premises which appear to us conclusive.

The memorial which has been referred to the committee, with the evidence embodied in it and appended to it, also as clearly corrects some misapprehensions that have occurred in regard to the character and proceedings of the Metropolitan Railroad Company, and have satisfied the committee as to the propriety of those proceedings, as well as to the ability of the company to perform the contract which they ask Congress to make with them. Accompanying this report are the two documents already cited, and others, which the committee ask to have appended as part of it. They have reported the following bill, and ask that the same may be enacted into a law.

[See report of William H. Grant, esq., acting chief engineer of the Metropolitan Railroad Company, marked No. 1; also, memorial of select committee, &c., No. 2, and the legal opinion of Joseph H. Bradley, No. 3.]

No. 1.

Report of William H. Grant, Acting Chief Engineer of the Metropolitan Railroad Company.

ENGINEER'S OFFICE, METROPOLITAN RAILROAD,
Georgetown, D. C., July 2, 1855.

To the Board of Directors of the Metropolitan Railroad Company:

GENTLEMEN: The first annual report, made to you July 3, 1854, contained a statement of the operations of the engineer department, from the commencement of the preliminary surveys up to that date;

showing the nature and extent of the service that had been performed, the character and topographical features of a wide region of country, and the pains that had been taken to develop the route that would best conform to the somewhat difficult conditions and restrictions of the act of incorporation. Numerous trial lines were exhibited and compared, and subjected to the required tests, and a route was designated which, fortunately, met the requirements of the act and accorded with the interests of the stockholders and the public. An approximate estimate of the cost of the work accompanied the report.

Since that date the final location of the road has been made upon the route designated, between Georgetown and Hagerstown, and the necessary maps, plans, and estimates, have been prepared for the work, in accordance with instructions, and I have now the honor to report the same to the board.

1st. The located line.

The field duties were closed in October last, and the two parties that had been engaged were disbanded.

The heads of the parties, Messrs. Burgess and Miller, retaining one assistant each, entered upon the office work of preparing their field notes and executing the maps, profiles, &c.

This duty, together with the labor incident to the public letting of forty-three miles of the road, on the 15th of February, 1855, occupied them until the 30th of April last, when their services were suspended. The line was located with great care, and with all the details requisite for defining it with accuracy and preparing it for the actual operations of construction. The division lines and boundaries of property intersected by the road were traced and fixed upon the maps of location, each separate parcel of land occupied being defined, with the owner's name, and the area computed, the topography delineated, embracing streams, roads, hills, mountains, and valleys, cities and villages, and altogether forming a complete and skilfully executed record of the labors of the engineer corps, and of the entire details of the allinement of the road.

The map accompanying this report is accurately reduced from the maps of location, which are contained in two large portfolios, and embraces a wider scope of country, exhibiting the principal experimental lines that have been traced, and a comprehensive view (in great part from actual survey) of the portions of country more immediately affected by the road.

The District of Columbia, with the county of Montgomery, and a large portion of the counties of Frederick and Washington, in Maryland, and more fully mapped out than has been done heretofore. On the west is the Potomac river, the Chesapeake and Ohio canal, and the line of the Washington Aqueduct, extending from Washington city to the Great Falls of the Potomac, and on the east and north, and turning westwardly with a wide detour, is seen the Baltimore and Ohio railroad, extending from Washington to the Potomac river near the Point of Rocks, &c.

Intermediate is the Metropolitan line, passing directly across the

country, intersecting the Baltimore and Ohio road east of the Point of Rocks, and extending on to the cities of Frederick and Hagerstown. This map, taken in connexion with that accompanying the former report, will give a complete view of the local and more extended objects and advantages of the Metropolitan road.

The located line is so distinctly represented by the map that a more particular description of it is unnecessary. It follows very nearly the route described as the "middle" route in the former report, with a few exceptions, (which were then alluded to,) where material improvements were found practicable on a closer examination. The grades and alinement were generally improved, and, on the whole, the work was rendered more favorable than was shown by the preliminary surveys. The route, from Georgetown to the Baltimore and Ohio road, is a superior one in all the essentials of grades and curves, and, as will be seen by the estimates, as compared with other roads of the country, it is much below the average in cost of construction. On a great portion of the distance its location is such as to render the cost of maintenance comparatively light, passing as it does over moderately undulating ground, where deep cuts and heavy embankments are not required, and so near the dividing lines of the drainage of the country as to be free from the wash of rains and streams that is so prolific a source of expense in repairs.

In regard to the position of the route, as being "the most eligible and central through Montgomery county," the subject was so fully discussed (and I think correctly determined) in the former report that it cannot be necessary to recur to it again.

I will mention here, however, that on a subsequent examination and comparison of the estimates for the "east line" and the "middle (located) line," the excess of cost of construction of the former over the latter was found to be \$216,817 instead of \$163,027, as stated in the report, and that the excess, after being diminished by compensation of equated distance, &c., (by the process on page 20 of former report,) was \$82,617 instead of \$28,827, as there stated.

As to the question whether this route occupies such ground as to free it from future injurious competition by other interests seeking and occupying a *better position*—which is an all-important consideration in this enterprising age—I think it must be demonstrable to all who will examine the map and the face of the country that no fears need be entertained upon the subject. If this route should ever be superseded, it will only be when the proprietors have failed to avail themselves of the advantages that *nature* has conferred. It is clear to my mind, after thorough investigation, that the natural features of the country, as well as its great commercial and social interests, indicate, unmistakably, this route as one that cannot be supplanted, and one that ought long ago to have been occupied. Its advantages may be in some measure diminished by *other improvements taking precedence of it*, if such a thing should be permitted; but as long as railroad transportation costs more on two miles than on one, or as long as the laws of gravitation remain in force, and it requires more steam, fuel, and power to drive an engine over heavy grades than comparatively

light ones, this route must retain its *real* superiority for all the purposes for which it is designed.

From the Baltimore and Ohio road to Hagerstown the route located upon is the best, it is believed, that can be found that will comply with the terms of the charter.*

It is unavoidably more expensive, and rather less favorable as to grades and curves, than the route from Georgetown to the Baltimore and Ohio road, the maximum grades upon the latter being 50 feet per mile, and 66 feet upon the former.

During the progress of the experimental surveys, it was ascertained that a line crossing the Baltimore and Ohio road further west, and connecting with the located line on the Catocin mountain, west of Frederick, would reduce the cost of construction about \$200,000, and shorten the distance about $6\frac{3}{4}$ miles. But this was not admissible under the charter, and hence could not be made available. When it is considered that a saving of distance of $6\frac{3}{4}$ miles is equivalent, in expenses of operation and maintenance, to a capital of \$405,000, (at \$60,000 per mile,) and to this is added \$200,000 saved in cost of construction, making a total of \$605,000, the economy of the more direct line becomes strikingly obvious.

The compensation for this must be found in the advantages of the route passing by way of the city of Frederick.

This part of the route, as located, may be considered, in view of all the circumstances, a fortunate one, crossing two ranges of mountains and the intervening valleys with maximum grades of 66 feet per mile, and with curves of a large radius. It will well accommodate the rich and highly cultivated and populous portions of Maryland through which it extends.

2d. The Plans of the Work.

These have been designed with reference to the greatest economy consistent with stability and safety. The principal mechanical structures are those required in crossing the deep ravines and the channels of the larger streams. Where these occur, the formation is mostly rock, and but little earth is afforded by the contiguous excavations, within convenient distances, for forming embankments. The alternative is therefore presented, of excavating rock for the embankments, or of substituting less expensive work in the form of bridging.

The ravines are designed to be passed by trestle bridges, and the larger streams by truss bridges, or by truss and trestle bridges combined.

On the line between Georgetown and the Baltimore and Ohio road, the principal trestle bridge is at Ten Mile creek; it is 85 feet high at the highest place, and about 600 feet long.

The principal stream crossed is the Monocacy river. The bed at the lowest place is 100 feet below the grade line of the road. A truss bridge of four spans, of 132 feet each, is designed for the water-way, connected with trestle work at the west shore of about 270 feet in

* Which makes the city of Frederick a point on the route.

length, and 50 in height. The masonry for the foundations is to be carried up to the highest water mark, about 30 feet, and the timber work is placed above.

The design is, that the trestle work generally shall be replaced by embankments in the course of twelve to fifteen years, the materials for which can be obtained from earth excavations with far greater economy when the road is completed, than from rock excavations which are only available at the present time. The Monocacy bridge, by being suitably enclosed, will be rendered permanent, or if it should hereafter be re-built, the masonry, which is to be of the best description, will be adapted to the erection of an iron superstructure, should that be preferred to wood.

On the line between the Baltimore and Ohio railroad and Hagerstown, the principal structure will be at the crossing of the Catoctin creek, in the Middletown valley. It is designed to be trestle work; the greatest height is 150 feet, and the entire length, gradually diminishing in height to the ends, about 1,200 feet.

A bridge of one span of 100 feet is required to pass the Antietam creek between Funkstown and Hagerstown.

The culverts and smaller bridges are to be of a permanent and substantial character.

The plans of the bridges have been thoroughly tested in practice, and found to combine the qualities of great strength, durability and economy. The general design and details of the various structures can only be fully understood by reference to the drawings, and a more particular description is therefore omitted.

The earth work, in excavations for single track, is to have a width at the grade line of 20 feet, with side slopes, varying from 2 to 1 to $\frac{1}{2}$ to 1, according to the kind of material, whether earth or rock. Embankments to be not less than 14 feet wide for single track, when finished to the grade line, with slopes of 2 to 1, or $1\frac{1}{2}$ to 1.

The tunnels to be not less than 17 feet high at the crown, and 16 feet wide.

There are three tunnels proposed; one between Georgetown and the Baltimore and Ohio railroad, of 800 feet, and two between the Baltimore and Ohio railroad and Hagerstown, through the crests of the Catoctin and South mountains, of 1,825 feet and 2,200 feet respectively. Provision is made for artificial supports for the roofs, though it is not certain such supports will be required.

3d. The Estimates.

The estimate submitted in the former report was necessarily a hasty one, based upon preliminary surveys, and could not be regarded as more than an approximate statement of the cost of the work. This was all I aimed at, but, as then stated, "the aim was to err on the side of excess rather than the reverse." The revised estimate has since been made, independently of the former, and upon the final location of the road, with the aid of careful measurements and computations, perfected plans, and a carefully studied regard to all the details and contingencies of construction. The result of this estimate, as com-

pared with the former, fully confirms the general correctness of that estimate.

It is rather within the amount of the original, but not so much so as to induce me to vary from it. Therefore, *the aggregate amounts of the estimate of 1854, as regards the two divisions of the road, from Georgetown to the Baltimore and Ohio road, and from the Baltimore and Ohio road to Hagerstown, are submitted with great confidence, as being full and reliable under any probable contingencies.*

They are as follows, with the accurate distances of the located line :

	Distances in miles.	Maximum grades in feet, per mile.	Estimated cost.
Georgetown to the Baltimore and Ohio Railroad.....	41.24	50	\$1,850,000
Baltimore and Ohio Railroad to Hagerstown.....	34.91	66	1,865,000
Totals.....	76.15		\$3,715,000

This estimate includes *grading, masonry and bridging, superstructure, right of way, station buildings and equipments, and general expenses.* It provides for an equipment of 10 locomotives and a corresponding number of passenger and freight cars. On the first division, from Georgetown to the Baltimore and Ohio railroad, the equipment would be sufficient for two through passenger trips, and one freight trip per day.

The details of the estimate are not repeated here, as they can be referred to in the former report; some of the items would be modified by the correction of the distances, but not materially. It will be seen that the distance on the first division has been shortened about half a mile, and on the whole line, about one mile, since the former report.

Pursuant to public notice, proposals were received on the 15th day of February last, for the grading, masonry and bridging of 43½ miles of the road, extending from the west line of the District of Columbia to the city of Frederick. Thirty-two separate proposals were received. Several of them, from responsible contractors, were very much below the estimate for that part of the road, and these proposals stipulated for part payment—from 25 to 50 per cent—in the stock and bonds of the company. One proposal was received from contractors of known ability, who were strongly recommended, for the grading, superstructure and track, complete from Georgetown to Frederick, which was also considerably below the estimate. They offered to take 50 per cent. in the bonds of the company.

The Board thought proper to let only 20 miles of the road at that time, and the contract for that portion was awarded to Messrs. John S. Christie & Co., of New York, for a less sum than the estimate, they taking 25 per cent. in bonds of the company.

The terms of the proposals tendered, and of the contract that has been entered into, would warrant the conclusion that the entire work could be done very considerably within the estimated cost. Under any circumstances that may arise, they would give good grounds for

the belief that the work need not, at least, *exceed* the estimate, even if the estimate were not held as reliable for other reasons.

Taking this evidence, together with what has before been assigned as the results of careful investigations, and with previous experience upon a work of similar extent, (which I had just brought to a close when my engagement was made upon this road,) I am fully re-assured in the conclusion, that *the estimate is full and reliable*; that the road may be commenced and vigorously prosecuted without the fear of incurring an unknown expenditure, and that the sum stated will be found a safe guide, with ordinary prudence, to the end of the work.

I am the more desirous of impressing this subject upon your attention, as it is the first important step in the undertaking, and is too often made the stumbling block to embarrass an enterprise of this kind. Many persons honestly distrust all estimates, and the enemies of a work seize upon them unscrupulously to accomplish its defeat or retard its progress.

Other matters relating to the work can be more correctly weighed and scrutinized by the public, but the estimates are peculiarly within the province of the engineer, and upon the evidence and reasons he can render to establish their reliability, must depend, in a great measure, the degree of confidence with which they are received and the success of the work they relate to.

An additional reason for dwelling upon the estimates is, that Congress has been applied to for partial aid in the construction of the road, on that part lying within the District of Columbia.

The valuable consideration offered renders it probable that the aid asked will be contributed, and the general government may thus become a direct participant in the undertaking, as it will clearly be, on the terms offered, a principal and almost gratuitous recipient of its benefits when completed.*

On this ground I have thought it the more necessary to adduce all the reasons practicable to establish confidence in the estimates, and to place the *basis* of the work upon a foundation beyond the reach of distrust or cavil. If I succeed in this, it will be a satisfaction to know that one great obstacle to the success of the road has been removed.

THE PROSPECTIVE ADVANTAGES OF THE ROAD.

The remarks that were made under this head in the former report have been found, by subsequent and more extended observation, to be not merely correct, but to fall far short of the merits of the subject. The great utility of the road, and the consequences that are to flow from it, are topics upon which too much can scarcely be said, or be too strongly said, and upon which the most sanguine expectations can

* The company propose in their memorial to Congress, as a consideration for aid in the construction of that part of the road within the District of Columbia, to transport the mails, troops, military stores, &c., over the entire road forever, without charge. The present cost of this service to the general government I have not been able to ascertain, but it is believed to be such an amount that, if annually saved to the government, would reimburse the appropriation desired in 15 to 20 years. At the expiration of that time the service would be rendered, whatever extent it might assume, gratuitously—*forever*.

scarcely fail of being realized. It is difficult to conceive how other conclusions can be formed after giving the subject a thorough examination.

There are few public enterprises projected in this country that have stronger reasons to urge them onward, or clearer results awaiting their consummation.

The following views will, I think, make this tolerably clear :

Any person who has been an attentive observer of the general progress of railroads throughout the country must have been struck by the singular fact, that while nearly every one of the principal commercial and political centres of the country *elsewhere* has been made the magical focus of numerous railroads, our capital city has as yet but the imperfect benefit of one. But one of the many lines, spreading out like a net-work over the country, has as yet reached the seat of government.

It would have been held as a just cause of reproach if, in times past, the construction of common roads had been neglected, and the communications with the capital rendered inferior to those of a like character spread far and wide over other portions of the country.

Is it less cause for reproach now, when human ingenuity has so wonderfully changed the character of those communications, that they are neglected? Whatever may be said in extenuation of the fact, it is strikingly obvious that, in the general march of improvement as regards railroads, the facilities of railroad communication, and all the benefits derived from their use, the cities of Washington and Georgetown, and the District of Columbia are far, far behind the progress of the age.

While this is undeniably and practically true, there has been, nevertheless, growing up and gradually developing, on all sides, from the working of inevitable causes, the elements of a comprehensive system of improvements, having for their ultimate and *appropriate centre* the city of Washington. To illustrate this, let any person take up the map accompanying the former report, (or any other general railroad map,) and taking the city of Washington as a centre, draw the following lines, radiating like her broad and magnificent avenues towards the different sections of the Union.

1st. *The eastern line.*—The only one upon which a chain of communication is now complete—extending, *with remarkable accuracy*, through or near the cities of Baltimore, Philadelphia, New York, New Haven to Boston, and, by a slight deflection at the latter point, completing the seaboard line in that direction to the eastern extremity of the Union.

2d. *The northern line.*—Upon which a connected chain is nearly completed—following mainly the meridian of Washington and the valleys of the Susquehanna and its tributaries, and terminating at Sodus bay, on Lake Ontario.

3d. *The northwestern line.*—Which requires for its final development the completion of the Pittsburg and Connellsville railroad, and the southern division of the Metropolitan, from the Baltimore and Ohio road to Washington. It extends, *with great directness*, through or near Harper's Ferry, Cumberland, and Pittsburg to Cleveland, on

Lake Erie, and thence, with slight deflections, to Toledo, Chicago, Rock Island, on the Mississippi, Council Bluffs, &c

4th. *The western line*—Coinciding mainly with the 39th parallel, and taking in its course, by way of Parkersburg, on the Ohio river, Cincinnati, St. Louis, &c. It is mainly completed, the Metropolitan and a few other links only remaining to be perfected.

5th. *The southwestern line*—May be drawn from Washington through Knoxville, Tennessee, and if prolonged, with some deflections and diverging lines, will pass through Jackson, the capital of Mississippi, and extend, by probably the most direct route, to New Orleans and the Gulf of Mexico.

This line is distinctly marked, by existing roads and those in progress, and by the natural features of the country, as far south as the State of Alabama, and is clearly indicated beyond to its chief point of attraction, New Orleans.*

6th. *The southern line*—Extends direct to Wilmington, North Carolina, passing through or near Alexandria, Fredericksburg, Richmond, Petersburg, &c. Diverging from Wilmington, it has an indirect extension to Mobile. It is all in actual operation, it is believed, through indirect connexions, from Alexandria to Mobile. One important direct connexion of the line remains to be made between Alexandria and Fredericksburg, or from the junction of the Orange and Alexandria and Manasses Gap railroads to Fredericksburg.

It may be thought, at a first glance, that the system here indicated, composed of the six foregoing lines, is somewhat imaginary, and partakes of the ideal character of "air-lines" in general. But examination and reflection will, I think, correct the impression. The several lines and links are, for the most part, fully developed, and to a great extent in operation. The first four (Nos. 1, 2, 3, and 4) are so clearly defined by the natural features of the country, as well as by established commercial advantages, as to admit of no doubt as to the correctness of the position assigned them.

Between the main western and southwestern lines there may be competitors, but the competing lines will fall into the main line indicated long before they approach the capital.

The tendency of all the lines is, to concentrate and unite in the city of Washington the great CENTRAL POINT. Here they must form a harmonious combination, depositing and interchanging their passengers and freight from the most distant parts of the country and from here, send off again the untiring locomotive to its remote destination. The union should be effected in a manner every way worthy of such a system, and creditable to the capital city of the country. The question is, *how shall it be done so as best to subserve the individual and reciprocal interests of the several lines, and the equally important local interests of the District cities.*

Practically, but three lines or *main stems* of the system will necessarily communicate directly with the city of Washington, and these are all that it will be necessary to consider at present.

* A more direct connexion is wanted between the Virginia Central and Southwestern railroads, from Rock Fish Gap, in the Blue Ridge, to James river, near Buchanan, or from Charlottesville to Lynchburg.

The one from the *north* (and east) is properly the Washington Branch of the Baltimore and Ohio Railroad; the one from the *west* (and northwest) is the Metropolitan, in connexion with the Baltimore and Ohio road, &c.; and the one from the *south* (and southwest) may be regarded as merely the short link, under whatever name it may take, that is to connect Alexandria with Washington.

That these three stems are directly and mutually interested in the connexion to be formed no one will be inclined to doubt, and through them and the successful result they are to accomplish must be attained the success, completeness, and harmonious operation of the extended lines with which they are connected.

The northern stem is already completed to the city of Washington, but here it stops, disconnected and imperfect. The Baltimore and Ohio Railroad, the principal line interested in it, and a great work that has surmounted every other obstacle by the most undaunted perseverance, has paused here and left the task unfinished.

A southern connexion, without which the Baltimore and Ohio road must ever remain incomplete, seems to have baffled the energies that have subdued the rugged Alleghanies. The principal barrier in the way has been the *crossing of the Potomac*.

But one route seems to have engaged attention, which was full of difficulties, while another, which would have solved the problem and made the way clear, has been overlooked.

The surveys for the Metropolitan Railroad have clearly shown, I think, that the proper place for crossing the Potomac is through the outskirts of Washington, by way of Georgetown, to the head of navigation at or a little above the Alexandria aqueduct.

This route is practicable, and avoids hitherto insuperable difficulties. In a general enumeration of its advantages it will be found preferable to that by the "Long Bridge," which has so long been a "vexed question." By it the delays and dangers of two drawbridges, so much and so justly dreaded by the travelling community, will be avoided; no obstructions will be caused to navigation and commerce, and no risks incurred from floods and ice. If the actual distance should be increased three miles between Alexandria and Washington, it will be more than compensated by other advantages; in fact, the actual time of transit between the two places will not be materially affected; it is the difference between a probable and vexatious delay of uncertain extent at two drawbridges, in *connexion with a bridge of a mile in length*, and the time required for a train to pass over two and a half or three miles of unobstructed road.

If the question were put to one thousand passengers as to which contingency they would prefer it is doubtful whether a single one would be found to prefer the risk of the drawbridges.

Another consideration, aside from the fact that Congress has firmly withheld assent to the project of crossing the Long Bridge by railroad, is that serious doubts have arisen as to whether that bridge *can be long safely maintained for even the purposes for which it was constructed*.

It is alleged that it obstructs the natural flow of the river, and is the cause of accumulating deposits, which are not only impairing the

navigation, but are likely to have a deleterious effect upon the health of the city of Washington.

It is evident, upon an inspection of the chart of this part of the river, that a great accumulation of deposits has taken place since the bridge was erected. Where but a few years ago there was deep water it is now comparatively shoal; bars that were of small dimensions are now greatly enlarged and extended, and small shoals have grown into large mud flats of some hundreds of acres in extent, which are exposed at every ebb tide.

To what extent the long bridge is chargeable with producing these changes, or what serious consequences they may lead to, a full investigation only can determine. It is certain, however, that the bridge, occupying as it does about two-thirds of the natural water-way of the river, at right angles with its course, must exert an influence, *in some degree*, upon the deposits and shoals that are forming above it.

The free and natural navigation of the Potomac is a matter of deep and almost vital interest to the city of Georgetown, and the preservation of the public health is equally important to the city of Washington and the general government. It cannot be doubted that Congress will guard, with vigilant care, the interests of both cities in these respects, and promptly take such measures as the circumstances may call for to preserve the navigation to the one, and promote the best sanitary condition of the other.

It is apparent that, if no other means are devised, recourse must soon be had to a general system of dykes, dams, and dredging for this purpose; but these are at best only temporary expedients, which must be constantly and perpetually repeated to be effectual.

From this view of the subject, and taking all other essential questions into consideration, it seems, not only as a matter of choice, but of necessity, that no practical idea can be entertained of establishing a railroad connexion between Washington and Alexandria by any other route than that by way of Georgetown.

By uniting upon this route, all conflicting interests, real or imaginary, may be dissipated or merged into an enterprise for the general good. Uncertainties will give place to certainties, and a long and profitless dependance upon an impracticable scheme will be replaced by the actual realization and enjoyment of practical benefits.

The details of this route may be arranged without serious difficulty. It can pass through the suburbs of Washington and through a portion of Georgetown, where very little inconvenience will be caused by the trains to the proper point for crossing the Potomac, and thence direct to Alexandria. To avoid the chief expense of constructing a bridge, and facilitate the early completion of the line, which are objects that many persons consider of great importance, it will be entirely practicable to cross the Potomac, *at first*, by means of the Alexandria aqueduct, (and there is no reason why it may not be made permanently available,) without impairing that structure for canal uses.

In doing this, I suppose, of course, that full assent will be given to the measure, by the proper authorities, under necessary restrictions, &c.

The main part of the work, from Washington to Georgetown, will

be a component part of the Metropolitan road, according to the general design, which embraces a connexion with the Washington Branch road, and so much of the track will enure to the common benefit of all the roads concerned, in the connexion with Alexandria. The other portion of the work will be a matter of joint arrangement, upon which the expenses of construction may be so distributed as to render the whole comparatively light and easy.

Here, then, we have the long sought desideratum of a *connexion of northern and southern lines*. The Baltimore and Ohio railroad has accomplished the anxiously desired achievement of a connexion of its main branch with a southern road.

But this is not all the advantage to be gained by the Baltimore and Ohio road. It is only a part. The "main stem" of that road will have a greatly improved connexion with the capital, the south and southwest, by means of the Metropolitan road and the communication with Alexandria. Not only this, but it may be clearly shown that its general passenger business, between the west and Baltimore, may be greatly influenced by the Metropolitan road.

With regard to the *southern and southwestern connexions of the Baltimore and Ohio road, by means of the Metropolitan*, the advantages will be made apparent by the following comparison of distances, grades, expense, time, &c.:

The present distance by the Baltimore and Ohio railroad, from the point of connexion (east of the Point of Rocks) with the Metropolitan road, by way of the Relay House, &c., to Washington, at the point of proposed connexions, is.....	87 miles.
The distance by the Metropolitan road is	41 "
	—
<i>Distance saved by Metropolitan road is.....</i>	<i>46 "</i>
	==

The maximum grades, by the Baltimore and Ohio railroad, up the rugged Patapsco, passing the summit of Purr's ridge, and descending to the Monocacy river, are, as near as I have been able to learn.....	80 ft. per mile.
The maximum grades by the Metropolitan.....	50 "
	—
<i>Difference in grades.....</i>	<i>30 "</i>
	==

The curves, on about 50 miles of the last described portion of the Baltimore and Ohio railroad, are very numerous and of short radius, that part of the road having been built at an early day, when curves of 400 to 600 feet radius were not considered objectionable. The curves on the Metropolitan are mostly of one mile radius, the shortest is 1,910 feet; and upon all the curves full speed of the trains may be maintained. The proportional expense or cost of transportation by the two routes, as governed by the ex-

cess of linear distance alone, would be as 87 to 41, (or 112 per cent. over the latter.) Adding to this the difference due to the higher grades and great amount of curvature, short curves, &c., by a fair process of equating, will make the whole *excess of cost of transportation by the Baltimore and Ohio road, over that by the Metropolitan, about*.....

168 per cent.

Or, in other words, if a ton of freight, or a passenger, transported *around* by the Baltimore and Ohio railroad, the Relay House, &c., to Washington, would cost, on 87 miles, (at present passenger rates,)...
The same would cost, by the *direct* line of the Metropolitan, of 41 miles.....

\$3 20

1 20

Difference in cost, per passenger or ton of freight.....

2 00

The time required by the Baltimore and Ohio railroad, at rather over the present average rates of running, would be.....

4 h. 25 m.

By the Metropolitan, at *same rate*, it would be 2 h. 15 m.; but no one can doubt that the superior grades and line of this road will enable trains to be run over 41 miles in less time than 2 h. 15 m. The time may safely be put, for express trains, at.....

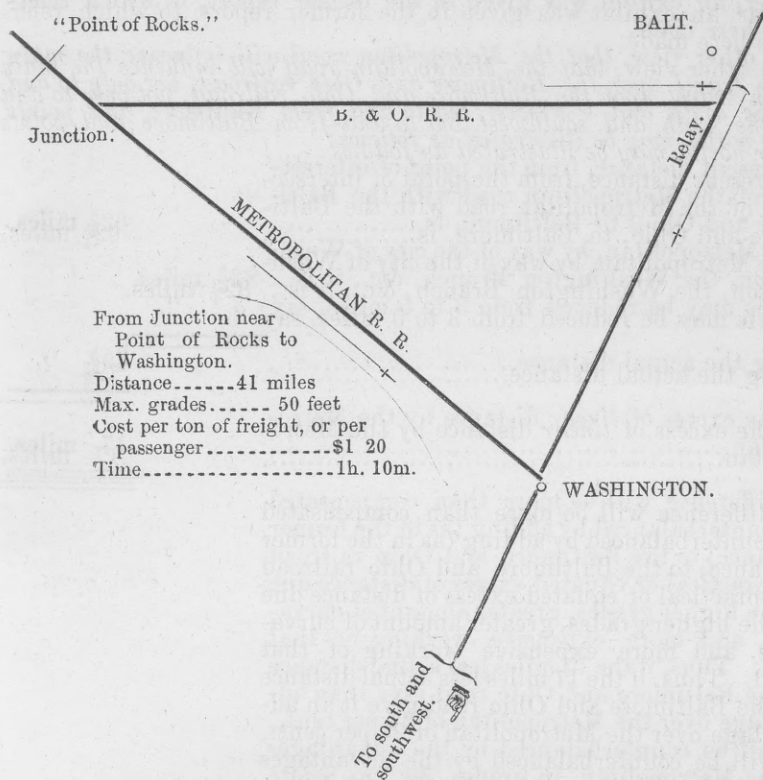
1 h. 10 m.

Difference in time.....

3 h. 15 m.

NOTE.—*Diagram illustrating the two routes to Georgetown and Washington.*

From Junction near Point of Rocks, *via* Relay, to Washington—distance, 87 miles; maximum grade, 80 feet; cost per ton of freight, or per passenger, \$3 20; time 4h. 25m.



This comparison is intended only as an approximate one, aiming, however, to keep safely within the facts. I have not been able to obtain the data requisite for a more exact comparison; but it is not necessary.

The results are sufficiently conclusive, as regards the importance to the Baltimore and Ohio railroad of the Metropolitan connexion, and the practical advantages to be derived from it, with respect to the southern and southwestern business.

Such a connexion must have an important influence upon the business and travel from that direction, destined to the west, by way of the Baltimore and Ohio road. A much larger traffic would be encouraged, in proportion to the greater facilities of communication and the reduction of time and expense.

The travel and freight destined to the cities of Georgetown and

Washington, (or in the reverse direction,) it is scarcely necessary to say, would seek the Metropolitan road. This alone is no inconsiderable item. It is, in fact, sufficient, with the local business, to give a fair support to the Metropolitan road. Upon this subject, however, an exhibit was given in the former report, to which reference is here made.

The other view, *that the Metropolitan road will influence the main western travel upon the Baltimore and Ohio railroad, not only to and from the south and southwest, but to and from Baltimore and points further north, may be illustrated as follows:*

The present distance, from the point of intersection of the Metropolitan road with the Baltimore and Ohio, to Baltimore, is.....	62 $\frac{3}{4}$ miles.
By the Metropolitan, by way of the city of Washington, the Washington Branch, &c., it is...	82 $\frac{3}{4}$ miles.
But this may be reduced from 3 to 5 miles, say 3	“

Making the actual distance.....	79 $\frac{3}{4}$ “
---------------------------------	--------------------

And the excess of <i>linear</i> distance by the Metropolitan.....	17 miles.
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This difference will be more than compensated or counterbalanced by adding (as in the former instance) to the Baltimore and Ohio railroad the practical or equated excess of distance due to the higher grades, greater amount of curvature, and more expensive working of that road. Thus, if the 17 miles less actual distance of the Baltimore and Ohio road give it an advantage over the Metropolitan of 27 per cent., it will be counterbalanced by the advantages of the Metropolitan, in grades, &c., as before assumed, of at least 50 per cent. The difference will be in *favor* of the cost of transportation by the latter route 23—say..... 20 per cent.

This will give the relative cost of transporting a passenger over the two routes, as follows:	
If the cost by the Baltimore and Ohio road is.....	\$2 30
It will be by the Metropolitan, by way of Washington, the Washington Branch road, &c., to Baltimore.....	1 90

<i>Difference, per passenger, in favor of Metropolitan and Washington route.....</i>	40
--	----

Next as to <i>time</i> . Taking the present average rate by the Baltimore and Ohio railroad, say.....	3 h. 15 m.
And the rate that may be reasonably assumed for the route by the Metropolitan, &c., of 35 miles per hour, or.....	2 h. 15 m.
And we have a <i>difference of time in favor of Me-</i> <i>tropolitan, &c., of</i>	1 hour.

By this statement it appears, strange as it may seem to those who have never examined the subject, that a route from near the Point of Rocks, by way of Washington, to Baltimore, is in reality cheaper, atso cost of transportation, and better time can be made upon it, than by the present road which has so long been in use. If the comparison is approximately correct, which is all I claim for it—and I submit it to candid public criticism, believing that an accurate developement of all the data will place the results in a still stronger light—it affords the most striking evidence of the advantages and the necessity of the Metropolitan road.

If *expense and time* can be saved by the entire western travel of the Baltimore and Ohio railroad, passing by way of the city of Washington to Baltimore, and to this is added the other strong inducements in favor of the route, what, I ask, is to prevent it from going that way?

Who will be willing to bear the onerous tax of the more expensive route? or, where will be found a sufficient compensation to meet it? The annual sum may be easily computed, and will be found to be a very appreciable item. What temptation can be offered to counter-vail a saving of expense and time, and induce passengers to avoid the Metropolitan route, the cities of Georgetown and Washington, and the interesting scenery of the vicinity and surrounding country, the national Capitol and public buildings, the unsurpassed views of the Potomac, the Washington aqueduct and its great reservoirs, which are in full view for several miles along the route, and many other objects of great public interest? None, I think, within the range of human probability.

The result may be an unlooked for one, but it is one that must arise from natural and inevitable causes. Nature has conferred more advantages upon one route than upon the other. One has been physically adapted, in a high degree, to the construction and favorable working of a railroad. The other has not been so fortunate.

Nothing but the *reversal* of these advantages can prevent a *very large portion*, at least, of the through-travel, between Baltimore and the west, from taking the Metropolitan route.

A practical case may be cited similar to this, though on a somewhat more extended scale.

The two great railroad lines of New York—the New York and Erie and the Central railroads—became competitors for the western trade and travel.

The length of the former is 460 miles from New York to Dunkirk

on Lake Erie, and the length of the latter (with its connexions) between the same points was, until quite recently, 523 miles.*

The projectors of the New York and Erie road—looking at the difference of distance, and at the map, which showed a still greater apparent advantage—regarded it as a great cut-off, as compared with the Central line, and were sanguine of the most unlimited success. The great mass of the stockholders in the city of New York, with scarcely an exception, could not be made to believe that so striking a disparity in distance could be affected, much less overcome, by any advantages possessed by the Central line. This was a well-known and long-cherished error.

What has been the result? The Central line had a route marked out, in a remarkable manner, by nature, with light grades and low elevations, and comparatively cheap construction. The New York and Erie road had to overcome mountains and cross deep valleys, by a long succession of elevations and depressions, high grades and a tortuous direction. These formidable obstacles *were overcome*, but the laws of gravitation were not. A compensation for supposed advantages in distance was found, which has been, and must ever be, a drawback upon the success of that road, as regards competition with its more fortunate rival. *The New York Central has maintained its passenger business unimpaired, and, at times, it has drawn off almost the entire through-travel from the New York and Erie road.*

But the advancing growth of the country and demands of traffic are rapidly supplying both roads with an amount of business that must soon be quite up to their full capacity.

This is an instance, strongly illustrative of the superiority of all railroads, having a moderate aggregate amount of elevations and depressions to overcome, with light and easy curvature, over those not possessed of such natural advantages.†

The idea of a diversion of business from a portion of the Baltimore and Ohio railroad will at first appear quite objectionable to those interested in that road; but if all the circumstances in the case are fully weighed, it will appear in a different light.

As regards the diversion of that portion of the western business destined to and from the cities of Georgetown and Washington, the south and southwest, it is but a choice (perhaps remotely) of two evils. The question is merely whether it will be better to permit (and encourage?) the Metropolitan road to take a certain amount of the business from 85 miles of the road, (and branch,) or incur the risk of the projected Alexandria, Hampshire, and Loudoun road, taking it from the same portion, and 143 miles superadded, or, in all, 228 miles.

The construction of the Metropolitan road will remove the latter contingency, which, without this road, is as certain as that the Alexandria, Hampshire, and Loudoun road will be built.

The following statement of distances will make this appear :

*It has recently been reduced by new lines.

†A profitless competition is going on, just at this time, between these two lines, which may seem, to a casual observer, to conflict with the statement I have made, but the general fact is not in the least affected. A temporary policy (of very doubtful expediency) may induce a railroad company to run their trains, for a time, at unremunerative fares, but it does not affect the general principle or the facts that have been stated.

The distance from Piedmont, on the Baltimore and Ohio railroad, to Washington, <i>via</i> the Alexandria, Hampshire, and Loudoun road, Alexandria, &c., is, according to the report	181 miles.
The distance from Piedmont to Washington, by Baltimore and Ohio railroad, Relay House, and Washington Branch, is	228 "
Difference in favor of Alexandria, Hampshire, and Loudoun road	47 "
The distance from Cumberland to Washington, by Baltimore and Ohio railroad and the Metropolitan, is	156 miles.
The distance from Cumberland to Washington, <i>via</i> Piedmont, the Alexandria, Hampshire, and Loudoun road, &c., is 181, added to 28 miles, equal to	209 "
Difference in favor of Baltimore and Ohio and Metropolitan	53 "

The latter difference of distance shows the advantage to the Baltimore and Ohio road of the connexion with the Metropolitan road.

It is probable that the *increase* of western business, induced by the improvement and shortening of the route to the capital, &c., and the reduction of time and expense by the Metropolitan road, will *repay* the Baltimore and Ohio road for the diversion caused by it.

As to the diversion of passengers destined to Baltimore and points further north, from the eastern portion of the Baltimore and Ohio road, between the Point of Rocks and the Relay House, it will be the means of relieving (very desirably, it would be supposed) that much-overburdened and expensive part of the road. The necessity for additional tracks would be obviated. The heavy and increasing coal trade of the road, with the slow trains, will task sufficiently the capacity of that part of the road; it is better adapted to that kind of business, and it is believed (and I think has been demonstrated) that it would be economy on the part of the Baltimore and Ohio Railroad Company for all their through passenger trains to take the Metropolitan route to Baltimore. If it is true economy, and time is gained by it, then why must not such an arrangement result in great advantage to the Baltimore and Ohio railroad interest, especially in view of the competition of its great rival lines for the western travel?

It has now been shown what degree of importance attaches to the Metropolitan road in regard to the development and successful operation of a principal part of the system of improvements heretofore described, (embracing the several lines of railroads tending to the city of Washington from the east, north, northwest, and west,) and its influence upon the cities of Georgetown and Washington.

It remains to notice a few points connected with the other portions of the system, the *stem* connecting the city of Alexandria with the *central point*, and the interest that city has in the matter, &c.

The great facilities enjoyed by Alexandria for inland and coast trade, with a favorable position in other respects, surrounds it with the elements of great commercial prosperity. These her enterprising citizens have already turned to good account. With their growing commerce and railroads, in operation and in prospect, they have become fully alive to the necessity of supplying, in some way, the important link that is to connect them with the city of Washington. The absence of this link gives them a partial isolation, and *breaks the circuit* of free and unrestricted intercourse, without which all other improvements are, in a great measure, deprived of their proper vitality.

The manner in which this link should be supplied, the proper route it should take, &c., has already been fully discussed. The reasons assigned, in favor of the only route believed to be practicable, commend themselves as strongly to Alexandria as to Washington or Georgetown.

The interest of all is to obtain *the best route* under all the circumstances; and if it *is* the best, the one adapted to all the exigencies and necessities of the case, any merely local or individual preferences that may stand in the way must, I imagine, yield to the general good.

In anticipation of the route to which I have referred—that by the way of Georgetown, &c.—Congress (not only refusing to sanction the route by the “Long Bridge”) has granted the privilege of constructing a railroad within the District limits to the proper point for crossing the Potomac at Georgetown.

The act was obtained chiefly at the solicitation of citizens of Virginia and Washington.

It was doubtless granted with a view to consolidate and harmonize all conflicting interests, and to accomplish the greatest good to the several cities.

I am not aware that any objection has been raised against the objects or privileges granted by the act.

A corresponding privilege has been conferred, it is understood, by the legislature of Virginia, to extend the line of railroad from the point contemplated by Congress for the crossing of the Potomac to Alexandria.

The privileges are wise and liberal in their design, and are too important not to be made available with all practicable despatch.

The following reasons, among many others, may be adduced to show the necessity of this communication to Alexandria:

The great inconvenience to public travel between the north and south, in consequence of the break in the route between Washington and Alexandria, has induced an incorporated company to explore a route along the western shore of the Chesapeake bay from Baltimore to a point on the Potomac opposite Acquia creek, about 49 miles below Alexandria. It is understood that a favorable route has been found, and that steps are being taken to carry the project into execution.

The effect of this would be, as is clearly seen by its originators, to divert the entire northern and southern through-travel from Alexandria. It is but one of the many enterprises of the present day that

find their origin and encouragement in the neglect to improve other and more important routes. The object is laudable in itself, and creditable to the foresight of those who have embarked in it. But it is not to be believed that Alexandria will permit it to derive its success from her neglect and indifference. Before that road is brought into use, and public travel diverted, the short and comparatively inexpensive link should be supplied between Alexandria and the capital.

It is apparent that the route from Baltimore, by way of Acquia creek, would possess some peculiar advantages, and it is therefore the more important that the connecting link of northern and southern roads within the District should be not only promptly supplied, but made in the most perfect manner practicable.

To possess the requisite comparative advantages, it should have *no ferries or draw-bridges* to obstruct it, and should be made to harmonize with, and give efficiency to, all roads having mutual interests with it; in short, *it should blend with, and form an essential part and closing link of, the entire "system" of railroads concentrating at the city of Washington.*

Who can contemplate with complacency the progress of a work that is designed to cut off (not only the city of Alexandria but) all the District cities and the capital of the Union from the great highway between the north and the south, to isolate these cities and leave them only their limited local resources for their sustenance and prosperity? The idea involves an absurdity too apparent to be commented upon.

Here, at the head of tide-water of the famed and beautiful Potomac, where of right belongs, and should be built up, as designed by the great WASHINGTON, a splendid mart of commerce,* drawing its contributions from the north, the south, and the prolific, unbounded west, and sending forth its varied influences to the extremes of the Union, that a momentary check to the general prosperity should be suffered for the want of a proper spirit of enterprise, is not to be supposed by any intelligent person.

The citizens of Alexandria cannot fail, in accordance with their characteristic enterprise, to perform their part in the completion of the necessary work in the most prompt and judicious manner.

Although much more remains to be said upon this subject, going to show the importance of the Metropolitan railroad, as regards the prosperity of the District cities, and the success of the several railroads with which it is so intimately connected, it is not within the limits of this report, and I therefore bring it to a close with a recapitulation of

* It has been well remarked that *it is not too late* to carry out this idea which was conceived by the sagacious mind of Washington. Although its execution has been tardy and delayed by mistaken policy, yet the geographical position of the District cities, in connexion with the navigable waters of the Potomac, and the natural advantages of the *shortest route* communicating with the Ohio river and the west, renders the object attainable. If these advantages had been improved, in accordance with the policy marked out by General Washington, *three-quarters of a century ago*, there might have been now, at the head of the tide-waters of the Potomac, a great commercial city like that of New York! That city has been built up by improving similar advantages, and from the commerce of the west which its superior enterprise *diverted from the Potomac.*

some of the points that have been stated and the conclusions arising from them, viz :

1. *The Metropolitan railroad is an essential part of the system of railroads centering at the seat of the general government, and the successful completion and operation of the system depends upon the construction of this road.*

2. *The full development of the advantages and true policy of the Baltimore and Ohio railroad demands its construction.*

3. *The local interests of the cities of Georgetown, Washington, and Alexandria, are dependent upon it.*

4. *When completed it will exercise an influence upon these cities equal to the most sanguine expectations.*

5. *It will, most undoubtedly, be a remunerating road ; it can be completed without exceeding the estimates, and whatever may be present delays and difficulties the inducements for its construction are too great to doubt that it will be built.*

Let its energetic projectors, who have as yet been undaunted by any obstacles, still persevere ; they will reap a rich reward.

I take the occasion to again bear testimony to the professional character and services of Messrs. R. W. Burgess and William Millar, who have been my principal assistants, and also to the faithful performance of minor duties by the engineer corps generally.

Respectfully submitted.

WILLIAM H. GRANT,
Acting Chief Engineer.

No. 2.

Memorial of a select committee of the directors of the Metropolitan Railroad Company to the Congress of the United States in relation to railways in Washington and Georgetown.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The memorial of Benjamin Ogle Tayloe, David English, William H. Edes, Adolphus H. Pickrell, and Ferdinand W. Risque—the first-named president, and the others directors, of the Metropolitan railroad—respectfully represents :

That they have been selected by their co-directors to prepare and present to the honorable the Senate and House of Representatives a statement of facts in relation to the said company, by which the minds of senators may be disabused, and all the unfavorable impressions heretofore formed or expressed by them removed or corrected. In making this statement, they disclaim any intention of reflecting upon the characters or impugning the motives of the two honorable senators, members of the Committee on the District of Columbia, who participated in the debate on the city railway bills in the Senate on Saturday last ; but claim the right, as American citizens, to correct

the errors of fact into which the senators above referred to have fallen, for want of reliable, true, and correct information in relation to the Metropolitan Railroad Company.

On the 3d day of March, 1853, an act of Congress was approved incorporating the Georgetown and Catoclin Railroad Company, which declares "that whenever the State of Maryland shall by law incorporate a company to lay out and construct a railroad from any point, in connexion with the Baltimore and Ohio railroad, at or near the Point of Rocks, to Georgetown, in the District of Columbia, the right of way, not exceeding sixty-six feet wide, be, and is hereby, granted to such company."—(See said act, Appendix A.)

The Metropolitan Railroad Company, being such a company as was contemplated by the act of Congress aforesaid, was chartered on the 5th day of May, 1853, by an act of the legislature of Maryland, which act of incorporation was subsequently amended by the legislature of the State aforesaid on the 6th of March, 1856.—(See those acts, Appendix B and C.)

By the 13th section of the act of incorporation of the Metropolitan Railroad Company it was provided "that no dividend of the earnings of said road shall be paid to the stockholders until the entire road is completed to Hagerstown;" but by the first section of the act amendatory thereto it is provided that it shall not be necessary to complete the said railroad to Hagerstown before any dividends of the net profits arising from the business of said company shall be declared. This section of the act was considered very onerous by the stockholders, and prevented many persons from taking stock in the said company; but the amendatory act of the 6th March, 1856, gave additional strength and encouragement to the president and directors of said company.

Books of subscription to the stock of the said company were opened by the commissioners named in the said act, and ten thousand shares of the stock having been subscribed, amounting to \$500,000, the necessary steps were taken to organize the said company by the election of president and directors.

By an ordinance of the boards of aldermen and common council of Georgetown, approved by Henry Addison, then mayor of said town, on the 11th day of June, 1853, the said mayor was authorized to subscribe in their name for five thousand shares of said stock, equal to \$250,000.—(See said ordinance, Appendix D.) That subscription was accordingly made by the said mayor, in obedience to the said ordinance.

By an ordinance of the same boards, approved by the said mayor on the 23d day of July, 1853, the following gentlemen, viz: David English, Evan Lyons, Robert P. Dodge, William H. Edes, and Walter S. Cox, or a majority of them, were appointed as proxies to vote the stock of the said town, at any meeting of the stockholders of the said company.—(See said ordinance, Appendix E.)

The boards of aldermen and common council of the town aforesaid refused to appoint Henry Addison, then mayor, as one of the proxies aforesaid, to vote their stock.

In the message of the said mayor, Henry Addison, of the 24th of

February, 1854, he says: "In view of these facts our first effort should be to maintain our credit unimpaired, by getting Congress to sanction the railroad subscription and remove all questions as to its legality. That was done when we subscribed the same amount to the Chesapeake and Ohio canal, and without it no loan could have been possibly effected. * * * My recommendation, then, is that we ask Congress to sanction that subscription." Application was accordingly made to Congress, upon the recommendation of said mayor, in relation to the railroad subscription aforesaid, and on the 2d day of March, 1855, an act was approved, "in order to meet the engagements recently assumed by said town in subscribing to the stock of the Metropolitan Railroad Company."—(See said act, Appendix F.)

After the election of the president and directors of the said company, the first instalment of \$25,000, upon the stock subscribed by the said town, was paid. On the 21st of June, 1856, the corporation of Georgetown passed an ordinance to pay the second instalment on their subscription to the stock of the Metropolitan Railroad Company, which was vetoed by the mayor, Henry Addison; but the said ordinance was passed, notwithstanding the veto, by a two-thirds majority.—(See said ordinance, Appendix G.) The said mayor then proclaimed that he would not sign the bonds of the corporation to meet this second instalment, and did not afterwards sign the same.

After the passage of the act of Congress of March 2, 1855, above noticed, Henry Addison, in his address "To the people of Georgetown," in the same year, on pages 12 and 13, uses the following language: "If I have succeeded in showing that our subscription was without authority of law, and therefore inoperative and void, how can the corporation be compelled to pay any such subscription? If it was void when made, it is forever void. It is simply absurd to say that an act done, performed and completed in June, 1853, is illegal, inoperative, and void at that time, and yet that it is legal, operative, and binding at any subsequent time. A void act cannot be confirmed. It is not in the power of Congress, even, to declare that an illegal and void act done and performed in June, 1853, should be valid and binding at a future day."

On page 33 of said address Mr. Addison uses the following language: "I always believed that it was at the suggestion of Mr. Dodge, (the president of the Metropolitan road,) and to gratify his personal animosity to myself, that the board of common counsel excluded me from all connexion with the affairs of that road. I felt that I had been grossly and inexcusably insulted by a co-ordinate branch of the corporation."

To the memorial of the stockholders of the Metropolitan Railroad Company will be found the names of a large number of the most influential, prominent, and wealthy citizens of Georgetown, and quite a number of the influential and wealthy citizens of Washington city, praying that the power to construct passenger railways in the cities of Washington and Georgetown may be given to the Metropolitan Railroad Company.—(See Appendix H.) The same feeling is entertained, as we believe, by a majority of the citizens of Georgetown, who are not stockholders in said company.

The boards of aldermen and common council of Georgetown, in the year 1858, by a unanimous vote, recommended that the franchise of the city railways should be given to the Metropolitan Railroad Company, and on the 22d of March last four out of the five members who constitute the board of aldermen, and nine members of the board of common council, of the said town, recommended the same thing.—(See Appendix I.)

In the "Daily Globe" of April 2 Mr. Brown is reported to have said :

"First, insomuch as relates to the Metropolitan Railroad Company, we found that that had been an existing company for six or seven years; that it had never, during all that time, made one inch of progress towards the construction of its road. It made a call of some slight percentage—I do not now know how much—three or four or five per cent. ; it was paid by some subscribers to the stock, but nothing was done. The company seemed to be languishing—in fact dead, in everything but name. * * * It made no progress ; it seemed to have no vitality—seemed indisposed, heretofore, to do anything. Its directors came, through their agent, and represented to the committee that if this privilege of constructing a railroad on the avenue should be given to them, then, out of the profits arising from it, they were going to construct a railroad from Georgetown to the Point of Rocks—a work that is going to cost three millions, I think, by the lowest estimate. We did not believe a word of that ; we thought it was a piece of humbuggery, and dismissed the whole thing. * * * So far as the Metropolitan railroad is concerned, I said before that I regarded it rather as a myth. There is really nothing of it, and never has been. It has a charter, and has had it for six or seven years, but has done nothing under the charter ; has not proceeded to work ; has no money ; never has had any ; never will have any. * * * If the stockholders in the two cities—such gentlemen as those whose names I have read—are protesting against it, saying that those who are petitioning in their name are using an authority never delegated to them, I think we had better stop, especially after the committee have investigated the subject very closely. I did not speak without investigation. The committee looked into it very rigidly, and made up their minds deliberately that the Metropolitan Railroad Company was defunct—gone."

In the same paper Mr. Hamlin is reported to have said :

"Now, sir, looking at all the antecedents of the Metropolitan road—looking at the fact that its stockholders who had money have not paid it in ; looking at the fact that it has slumbered all this time, and will slumber always, in my judgment, whether you give it this franchise or not—I say it presents no case which commends it to our favorable judgment. I have my own opinions about this railway. I have formed them from the best opinions I can gather. * * * And I concur fully with the chairman [of the committee] in saying that, in my judgment, the Metropolitan Railroad Company may be regarded as a defunct thing, whether they get this charter or not ; and I think it is the best illustration, legislatively, that I have ever known of what Virgil describes as binding dead carcasses to living bodies."

This corporation, I say, in my judgment, is to be regarded as a defunct corporation. Some six or seven years ago persons subscribed money to it, but they never paid a dollar, or very few dollars."

In answer to what has been said by the honorable senators, Messrs. Brown and Hamlin, in relation to the Metropolitan Railroad Company as a dead and defunct concern, we respectfully affirm that the present directors of that company, and we doubt not all of the stockholders, in Washington and Georgetown, whose names are appended to the memorial in the Appendix marked H, do verily believe that the Metropolitan Railroad Company is a living embodiment, and will, in good faith, and within a reasonable time, construct the Metropolitan railroad, as well as the city roads, if the franchise is granted to the said company.

It is true that the Metropolitan Railroad Company has been in a languishing condition, caused mainly by the veto of the mayor of Georgetown of the ordinance of the corporation of said town providing for the payment of the second instalment upon the stock subscribed for by the said town.

It appears from the report of J. W. Deeble, treasurer of the said company, of July 1, 1854, that the amount received by him as treasurer, on account of the first instalment of five dollars per share on the stock subscribed, and payment for two shares in full, was \$50,091, of which there was then in his hands an unexpended balance of \$25,286 67.—(See Appendix J and K)

The report of William H. Grant, acting chief engineer of said company, of July 3, 1854, shows that preliminary surveys of four lines were made in order to determine the best location for the said road from Georgetown to the Baltimore and Ohio railroad and the city of Frederick, and three lines from the city of Frederick to Hagerstown. On page 15 of said report Mr. Grant says: "Between 500 and 600 miles of lines have been instrumentally traced and mapped, with the details of topography, profiles, &c."

Mr. Hamlin, during the same debate, said: "If it [the Metropolitan railroad] could connect with all the travel from the west at the Point of Rocks, and secure that travel to this place, it might be of some value; certainly of vastly more value than it can be now, because the Loudoun and Hampshire road is now constructed some ninety miles."

Mr. Brown also said: "The utility of the road, if it were constructed, has already been superseded by the construction of another road by men of energy, who not only got a charter, but went to work under it. The Alexandria, Loudoun, and Hampshire road has been constructed a distance of some eighty miles or more, and is going on rapidly to completion."

The president of the Alexandria, Loudoun, and Hampshire railroad, Lewis McKenzie, in his seventh annual report of the 15th of November, 1859, near the bottom of page 5, says: "A few thousand cross-ties only are wanting for the track to Leesburg, (35 miles,) which important town we hope and expect to reach by January next. The board expects soon to have in active use that portion of the road which extends from Alexandria to Broad Run."—(See Appendix L.)

The following is an extract from a letter dated Alexandria, April 4, 1860, and contains information which may be relied on:

"The Loudoun and Hampshire railroad is finished to Leesburg, Virginia. The cars have been running on the same since the 16th day of January, 1860, and are now landing passengers within four miles of said town, connecting with a line of coaches. Piedmont is distant from Alexandria one hundred and seventy miles. The country from Winchester to Piedmont is mountainous and hilly. The Loudoun and Hampshire railroad is graded, say, four miles above Leesburg, and under contract to Winchester. The estimated cost of the road to Piedmont, fully equipped and in running order, eight millions of dollars, and to the town of Winchester three millions."

In continuation, Mr. Hamlin said:

"I am aware that the amendment submitted by the senator from Maryland contains a provision that the road shall be completed within six months, while the bill reported by the committee gives to the parties eighteen months. It was a question well considered in the committee whether that should not be reduced to twelve; and I am inclined now to think it might be reduced to twelve months; but I think the clause in the senator's amendment—I do not mean to impute it to him—conveys a suspicion upon the whole thing. I affirm that it cannot be done in six months. * * * The time named in the senator's proposition is so short that, instead of commending itself to my judgment as favorable, it creates, I confess, a suspicion. I have no opinions of my own that I form on my own experience upon these points; but I speak that which is communicated to me by practical men—by men who know all about these works—and I rely upon them, as I am bound to rely on them, for the best information I can have."

In answer to that portion of Mr. Hamlin's speech just quoted, we will present the letter of Messrs. Hathaway & Hodgman, who have had much experience in the construction of city passenger railways. It is as follows, viz:

WASHINGTON, March 27, 1860.

To the President and Directors of the Metropolitan Railroad Company:

GENTLEMEN: We will agree to build your road in Washington and Georgetown at the rate of one mile per week, and finish the road ready for the cars. We will also agree to build the road from the President's House (Washington) to the Capitol and furnish ten (10) cars on the road ready for use in thirty (30) days after you give us the order to commence work.

We have built some seventy-five (75) miles of road in Philadelphia, twenty-eight (28) miles in St. Louis, and ten (10) miles in Cincinnati. Refer to John P. Verree, M. C., Philadelphia, Pa.; J. R. Barrett, M. C., St. Louis, Mo.; Robt. F. Taylor, president Second and Third street railroad, Philadelphia, Pa.; Martain Thomas, president Race and Vine street railroad, Philadelphia, Pa.; Wm. Wright, president West Philadelphia railroad, Pa.; Strickland Kreiss, chief engineer city, Philadelphia.

Respectfully, yours,

HATHAWAY & HOGDMAN.

Mr. Brown, in continuation of the debate, said :

"I will state in that connexion, if my colleague on the committee will allow me, that the city of Georgetown made a subscription to the Metropolitan Railroad Company, and subsequently withdrew the subscription and transferred the money to the Loudoun and Hampshire road—the live one."

Mr. HAMLIN. "I was going to make the same remark. They subscribed, I think, on paper, about a half a million dollars—a nominal sum. Perhaps enough to make the survey was paid in; and to save their charter the work was commenced—one spadeful of dirt dug."

In answer to the above remarks of these honorable senators, your memorialists beg leave to refer to the following statement of the clerk of the corporation of Georgetown :

The corporation of Georgetown have made no change whatever in the original law authorizing a subscription to the Metropolitan railroad stock. They passed a law authorizing a subscription to the Alexandria, Loudoun, and Hampshire railroad stock, under certain conditions, but without any reference to, or connexion with, the subscription to the Metropolitan railroad stock.

WM. LAIRD,

Clerk Corporation Georgetown.

APRIL 6, 1860.

(See also in Appendix, M, N, O, P and Q.)

Your memorialists further represent, that at a meeting of the stockholders of the Metropolitan Railroad Company, held on the 7th day of November last, twelve directors of said company were elected, which will appear from the following certificate :

OFFICE METROPOLITAN RAILROAD COMPANY,
Georgetown, April 4, 1860.

This is to certify that at a meeting of the stockholders of the Metropolitan Railroad Company, held in pursuance of a call made in compliance with the charter of said company, on the 7th November, 1859, the following gentlemen were elected directors :

Daniel Weisel,
B. O. Tayloe,
B. B. French,
H. S. Davis,
W. H. Edes,
F. W. Risque,

F. C. Clopper,
J. G. Berret,
U. Ward,
A. H. Pickrell,
D. English,
F. Dodge.

J. W. DEEBLE,

Secretary Metropolitan Railroad Company.

At this election, as appears from the above certificate, Colonel James G. Berret was elected one of the directors of the company. Before the day of election, one of the present directors called upon Colonel B. to ascertain whether he would accept, if elected. Colonel B. answered in the affirmative. We have been informed that he seemed to be much gratified with this election, and declared that he could be of great service

to the company before Congress. He became a director, as we believe, with a full knowledge that the Metropolitan Railroad Company had applied during the last Congress for the franchise of the city passenger railways in Washington and Georgetown, and that the application would be renewed during the present session of Congress. About the 20th or 21st March ultimo, one of your memorialists (F. W. Risque) called upon Colonel Berret, and requested him, as a stockholder of the Metropolitan railroad, to sign a memorial, praying Congress to grant to the said company the franchise of the city railways.

He declined to do so, however, upon the ground, substantially, as he then stated, that as he was mayor of the city he might be called upon for some official action in relation to the matter, and it would therefore be improper for him to sign. This answer was so perfectly satisfactory to F. W. Risque, that he spoke of it in terms of high commendation. Colonel Berret also stated to F. W. Risque, who was entirely ignorant of the fact up to that time, that he had tendered his resignation as a director to Colonel Tayloe. James G. Berret, the mayor of Washington, and Henry Addison, the acting mayor of Georgetown, were, by the unanimous consent of the Senate of the United States, permitted to enter the hall of that dignified body for the purpose, as was no doubt supposed by senators, to promote the general interests of their respective constituencies, and not to use their official influence in behalf of a few individuals. We are informed, and believe, that on Saturday last, during a debate in the Senate on the city railway bill, these gentlemen advocated the passage of the bill reported by the Senate committee, and opposed the application of the Metropolitan Railroad Company.

As to the bill reported by the Senate committee, it does not appear, so far as we have been able to ascertain, that any memorial of the citizens of Washington and Georgetown, except that of the gentleman named in said bill, has ever been presented to Congress, praying that the grant of the city railway be given to them. The franchise prayed for by them is valuable, and may be disposed of by them as soon as the same is obtained, there being no clause in said bill to prevent the sale or assignment thereof. On the memorial of the stockholders of the Metropolitan Railroad Company, praying for a grant of the franchise for city railways to that company, will be found many of the most influential and respectable citizens of Washington and Georgetown, some of whom are gentlemen of large fortunes.

We believe that if a vote of the people of Washington and Georgetown could be taken, there would be a large majority in favor of granting the city railway franchise to the Metropolitan Railroad Company.

A protest was presented to the Senate on Saturday last, signed by a few of the stockholders of the Metropolitan Railroad Company, protesting against the grant to the Metropolitan Company. Two of the gentlemen above referred to are George Parker and Joseph Bryan, both of whom have signed the memorial of the stockholders of the Metropolitan Company.—(See Appendix H.)

The late John W. Maury was one of the warmest friends of the Metropolitan Railroad Company, and subscribed for sixty shares of the

stock of said company, amounting to \$3,000. We are informed that while that distinguished gentleman was mayor of Washington, he and others citizens of Washington assured the president and directors of the Metropolitan Company that the corporation of Washington would subscribe for the stock of said company to the extent of \$500,000. But a political revolution took place, by which John T. Towers was elected mayor of Washington, with boards of aldermen and common council agreeing with Mr. Towers politically, who refused to carry out the promise made by Mr. Maury.

In conclusion, your memorialists further represent, that they believe that the construction of the Metropolitan railroad, from the Point of Rocks to Georgetown, and its extension through said cities, would be greatly beneficial to the District of Columbia: 1st, in shortening the distance to Harper's Ferry between forty-seven and fifty miles; 2d, in opening a direct connexion between the District of Columbia and the State of Pennsylvania, and the north and northwest; 3d, it would lessen the fare to be paid by passengers, and be a saving of some two hours and fifteen minutes time; 4th, it would expedite the transmission of the United States mails, and save a large amount of cost to the government in that branch of the public service. Therefore, inasmuch as a large number of the stockholders residing in the cities of Washington and Georgetown have petitioned that the grant of the city railways may be given to the said company, your memorialists say Amen; and, as in duty bound, will ever pray, &c.

BENJAMIN OGLE TAYLOE.

DAVID ENGLISH.

WILLIAM H. EDES.

ADOLPHUS H. PICKRELL.

FERDINAND W. RISQUE.

APPENDIX.

A.

AN ACT to incorporate the Georgetown and Catoctin Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the State of Maryland shall by law incorporate a company to lay out and construct a railroad from any point, in connexion with the Baltimore and Ohio railroad at or near the Point of Rocks, to Georgetown, in the District of Columbia, the right of way, not exceeding sixty-six feet wide, be, and is hereby, granted to such company: *Provided,* That before any such road, depots, and its necessary fixtures shall be located in Georgetown, the assent of said city shall first be obtained: *And provided, also,* That the same provisions for the condemnation of and payment for the land or other property for the use of the said road, as may be made by any act for the incorporation of such company by the State of Maryland shall be, and hereby are, extended to the condemnation of and payment

for land or other private property for the use of the said road within the District of Columbia.

Approved March 3, 1853.

B.

AN ACT to incorporate the Metropolitan Railroad Company. (Passed January session, 1853.)

SECTION 1. *Be it enacted by the general assembly of Maryland, That* John W. Maury, William W. Corcoran, Wm. W. Seaton, David English, Francis Dodge, Ferdinand W. Risque, of the District of Columbia; Charles E. Trail, Jacob M. Kunkel, and Meredith Davis, of Frederick county; Robert T. Dade, Wm. Lingan Gaither, Francis C. Clopper, of Montgomery county; Daniel Weisel, James Wason, and Elias Davis, of Washington county, be and are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Metropolitan Railroad Company hereby incorporated; and they, or a majority of them, may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, to which any person, corporation, or association of individuals may subscribe, after giving such notice of the times and places of opening the same as they may deem proper; and that upon the first opening of said books they shall be kept open for at least ten successive days, from ten o'clock a. m. until two o'clock p. m.; and if, at the expiration of that period, such a subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, the said commissioners, or a majority of them, may cause the said books to be opened from time to time, after the expiration of the said ten days, for the space of twelve months thereafter, or until the sum necessary to the incorporation of the company shall be subscribed, if not sooner subscribed; and if any of the said commissioners shall die, resign, or refuse to act during the continuance of the duties devolved upon them by this act, another may be appointed in his stead by the remaining commissioners, or a majority of them.

SEC. 2. *And be it enacted, That* the capital stock of said Metropolitan Company shall be two millions of dollars, in shares of fifty dollars each; and as soon as ten thousand shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company, by the name of the Metropolitan Railroad Company, and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying estates, real, personal, and mixed, so far as shall be necessary for the purposes hereinafter mentioned, and no further, and shall have perpetual succession; and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter and renew at their pleasure, and shall have, enjoy, and may exercise all the powers, rights, and privileges which other corporate bodies may lawfully do for the purposes mentioned in this act.

SEC. 3. *And be it enacted*, That upon every such subscription there shall be paid at the time of subscribing to the said commissioners, or to their agents appointed to receive such subscriptions, the sum of five dollars on every share subscribed, and the residue thereof shall be paid in such instalments and at such times as may be required by the president and directors of said company: *Provided*, That not more than one-third of the subscription be demanded in any one year from the commencement of the work; nor any payment demanded until at least sixty days' public notice of such demand shall have been given by the said president and directors, by advertisement published once a week for three successive weeks in some newspaper or newspapers printed in Washington city, Rockville, Frederick, and Hagerstown; and if any subscriber shall fail or neglect to pay any instalment or part of said subscription thus demanded for the space of sixty days next after the time the same shall be due and payable, the stock on which it is demanded shall be forfeited to the company, and may be sold by the said president and directors for the benefit of the company; but the president and directors may remit any such forfeiture on such terms as they shall deem proper.

SEC. 4. *And be it enacted*, That, at the expiration of the ten days for which the books are first opened, if ten thousand shares of said capital stock shall have been subscribed, or, if not, as soon thereafter as the same shall be subscribed, if within one year after the first opening of the books, the said commissioners, or a majority of them, shall call a general meeting of the subscribers at such time and place as they may appoint, and shall give at least twenty days' public notice thereof; and at such meeting the said commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them, shall elect twelve directors by ballot to manage the affairs of said company for the term of one year, and until others shall be appointed in their place; and these twelve directors, or a majority of them, shall have the power of electing a president of said company, either from amongst the directors or others, to serve for the term of one year, and until another shall be appointed in his place; and the president and directors respectively shall be allowed such compensation for their services as the stockholders, in general meeting assembled, shall prescribe; and on all occasions wherein a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by him or her; and every stockholder may depute any other person to vote and act for it, him, or her, as its, his, or her proxy; and the commissioners aforesaid, or any three or more of them, shall be judges of the said first election of directors.

SEC. 5. *And be it enacted*, That a general meeting of the stockholders of said company shall be held annually at such time and place as the stockholders shall appoint. They may be called at any time and to meet at any convenient place during the interval between said annual meetings by the president and directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days' public notice of the time and place of holding the same, by advertisement published once a week

for three successive weeks in some newspaper or newspapers published in Washington city, Rockville, Frederick, and Hagerstown; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the case; and if at any such called meetings a majority (in value) of the stockholders of said company are not present in person, or by proxy, such meetings shall be adjourned from day to day without transacting any business for any time not exceeding three days, and if within said three days stockholders having a majority (in value) of the stock subscribed do not thus attend, such meeting shall be dissolved.

SEC. 6. *And be it enacted*, That at the regular annual meetings of the stockholders of said company it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the company; that at any called meetings of the stockholders a majority of those present may require similar statements from the president and directors, whose duty it shall be to furnish them, when thus required; and that at all general meetings of the stockholders a majority (in value) of all the stockholders in said company may fill any vacancy that may occur in the office of directors, and may remove from office any president or any of the directors of said company, and may appoint others in their stead.

SEC. 7. *And be it enacted*, That every president and director of said company, before he acts as such, shall swear or affirm, as the case may be, that he will well and truly discharge the duties of his said office to the best of his skill and judgment.

SEC. 8. *And be it enacted*, That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; that they, or a majority of them, shall have power to determine by contract the compensation of all the engineers, officers, agents, or servants in the employ of said company, and to determine by their by-laws the manner of adjusting and settling all accounts against the company, and also the manner and evidence of transfers of stock in said company; and that they, or a majority of them, shall have power to pass all by-laws which they may deem necessary or proper for exercising all the powers vested in the company hereby incorporated, and for carrying the objects of this act into effect: *Provided only*, That such by-laws shall not be contrary to the laws of the United States and of the State of Maryland, or any of the provisions of this act.

SEC. 9. *And be it enacted*, That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the president and directors of said company, or a majority of them, from time to time to increase the said capital stock by the addition of as many shares as they may deem necessary, for which they may at their option cause subscriptions to be received in the manner prescribed by them, or may sell the same for the benefit of the company for any sum not under their par value; and that they, or a majority of them, shall have power to borrow money for the objects of this act, to issue certificates or other evidence of such loans,

and to pledge the property of the company for the payment of the same and its interest.

SEC. 10. *And be it enacted*, That the president and directors of said company shall be and they are hereby invested with all the rights and powers necessary to the construction and repair of a railroad from Georgetown, in the District of Columbia, by the most eligible and central route through Montgomery county, crossing the Baltimore and Ohio railroad at a point not exceeding five miles from the Monocacy viaduct, by the line of said railroad to the city of Frederick, in Frederick county, thence by the most convenient and practicable route through Frederick county and Washington county to Hagerstown, not exceeding sixty-six feet wide, with as many sets of tracks as the said president and directors, or a majority of them, may deem necessary; and they, or a majority of them, may cause to be made, or contract with others for making said railroad, or any part of it; and they, their agents, or those with whom they may contract for making any part of the same, or their agents, may enter upon and use and excavate any land which may be wanted for the site of said road, or the erection of warehouses or other works necessary to said road, or for any other purpose necessary or useful in the construction or repair of said road or its works; and that they may build bridges, may fix scales and weights, may lay rails, may take and use any earth, timber, gravel, stone, or other materials which may be wanted for the construction or repair of any part of said road, or any of its works, and may make and construct all works whatsoever which may be necessary and expedient in order to the proper completion of said road.

SEC. 11. *And be it enacted*, That the president and directors of said company, or a majority of them, or any person or persons authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, gravel, stone, or other materials, or any improvements which may be wanted for the construction or repair of any of said roads, or of any of their works, for the purchase or use and occupation of the same; and if they cannot agree, or if the owner or owners, or any of them, be a *femme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, when such land or materials shall be wanted, application may be made to any justice of the peace of such county, who shall thereupon issue his warrant, under hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related nor in anywise interested, to meet on the land or near to the other property or materials, to be valued on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if at said time and place any of said jurors summoned do not attend, the said sheriff shall immediately summon as many jurors as may be necessary with the jurors in attendance to furnish a panel of twenty jurors in attendance, and from them, each party, or its, his, or their agent, if either be not present in person or by agent, the sheriff for him, her, it, or them, may strike off four jurors, and the remaining twelve shall act as a jury of inquest of damages; and before they act as such the said sheriff shall administer to each of them an oath or affirmation, as the case may be, that he will justly and impartially value the damages which the owner or

owners will sustain by the use or occupation of the same required by the company; and the jury, in estimating such damages, shall take into the estimate the benefits resulting to the said owner or owners from conducting such railroad through, along, or near to the property of said owner or owners, but only in extinguishment of the claim for damages; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by said sheriff to the clerk of his county, as the case may be, and by such clerk filed in his court, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shown; and when confirmed shall be recorded by said clerk at the expense of said company; but if set aside the said court may direct another inquisition to be taken in the manner above described; and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity or duration of the interest in the same, valued for the company, and such valuation, when paid or tendered to the owner or owners of said property, or his, her, or their legal representatives, shall entitle the said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same; and the valuation, if not received when tendered, may at any time thereafter be received from the company without costs by the said owner or owners, or his, her, or their legal representative or representatives.

SEC. 12. *And be it enacted*, That whenever, in the construction of said road or roads, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of said company so to construct the said road across such established road or way as not to impede the passage or transportation of persons or property along the same; or where it shall be necessary to pass through the lands of any individual, it shall be their duty to provide for such individual proper wagon ways across said road or roads from one part of his land to the other.

SEC. 13. *And be it enacted*, That the president and directors shall annually, or semi-annually, declare and make such dividends as they may deem proper of the net profits arising from the resources of the company, after deducting the necessary current and probable contingent expenses; and that they shall divide the same amongst the proprietors of the stock of said company in proper proportion to their respective shares: *Provided, however*, That no dividend of the earnings of said road shall be paid to the stockholders until after the entire line of said railroad shall have been completed from Georgetown, in the District of Columbia, to Frederick city, and from Frederick city to Hagerstown, in Washington county; but the same shall be used and applied by the president and directors to the construction and completion of said road as aforesaid to Hagerstown, and in lieu thereof certificates of the capital stock of said company shall be issued the stockholder according to the amount of their dividends respectively.

SEC. 14. *And be it enacted*, That the said president and directors, or a majority of them, shall have power to purchase with the funds of said company and place on any railroad constructed by them under this act all machines, wagons, vehicles, or carriages of any descrip-

tion whatsoever which they may deem necessary or proper for the purposes of transportation on said road, and they shall have power to charge for tolls upon and the transportation of persons, goods, produce, merchandise, or property of any kind whatsoever transported by them along said railway, any sum not exceeding the following rates, viz: on all goods, produce, merchandise, or property of any description whatever transported by them, one cent a ton per mile for toll, and three cents a ton per mile for transportation; and for the transportation of passengers not exceeding three cents per mile for each passenger; and it shall not be lawful for any other company, or any person or persons whatsoever, to travel upon or use any of the roads of said company, or to transport persons, merchandise, produce, or property of any description whatsoever along said roads, or any of them, without the license or permission of the president and directors of said company; and that the said road or roads, with all their works, improvements, and profits, and all machinery of transportation used on said road, are hereby vested in the said company incorporated by this act and their successors forever; and the shares of the capital stock of the said company shall be deemed and considered personal estate.

SEC. 15. *And be it enacted*, That as soon as this act shall have been passed by the legislature of Maryland, books may be opened, subscriptions received, and the said company organized, and that when organized, the said company and the president and directors of the same shall have all the powers, rights, and privileges granted by this act, and shall be subject to all its regulations in constructing or repairing any of the said railroads or other necessary works or buildings which may or can be constructed within the limits of the State of Maryland, and in transporting persons, goods, merchandise, or property of any description along any of said roads, and that the provisions of this act shall be wholly in force as to all the property of the company which may be situated or may be within the State of Maryland, and which said company is permitted to hold under this act.

SEC. 16. *And be it enacted*, That full right and privilege is hereby reserved to the citizens of this State, or any company hereafter to be incorporated under the authority of this State, to connect with the road hereby provided for: *Provided*, That in forming such connexion no injury shall be done to the works of the company hereby incorporated.

SEC. 17. *And be it enacted*, That the president and directors of said company shall have power to issue bonds or certificates of indebtedness, under the seal of said company, in such sum or sums of a denomination not less than one hundred dollars, as said company may prefer, and to sell and dispose of the same upon such terms as to said company may seem proper, and to pledge the property and profits of said company to secure the payment thereof; and also with power to convert the bonds so issued into capital stock of said company, upon such terms as may be agreed upon between the holder or holders of said bonds and said president and directors: *Provided*, That said company shall not be authorized to issue any certificate, note, or scrip, or other device to be used as currency.

SEC. 18. *And be it enacted*, That the president and directors of said company shall have full power and authority to connect the railroad which may be constructed under the provisions of this act with any other railroad now existing or which may hereafter be constructed, and also to make such arrangements with the president and directors of such railroad for the through transportation of passengers and merchandise, and all property of what kind soever, in the cars or carriages of either company as may appear to said president and directors convenient and advantageous: *Provided, however*, That the charge for all passengers travelling on the railroad hereby authorized to be made, in cars of the same class, shall be uniform, and any arrangement made or participated in by said company, by which, through means of through tickets, or otherwise, any one passenger travelling on the said road shall be charged a less sum than any other passenger travelling thereon the same distance in cars of the same class, shall be a forfeiture of this act of incorporation, and the same may be enforced by *scire facias* in the usual way.

SEC. 19. *And be it enacted*, That said company shall start and run their cars for transportation of passengers and property at regular times, to be fixed by public notice; and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall within a reasonable time previous thereto be offered for transportation at the place of starting, and at the usual stopping places established for receiving and discharging way passengers and freight for that train, and shall take, transport and discharge such passengers and property at, from, and to such places, on the due payment of the freight or fare legally authorized therefor; and shall be liable to the party aggrieved in an action for damages for any neglect or refusal in the premises.

SEC. 20. *And be it enacted*, That if the road authorized by this act to be made shall not be commenced within two years from the passage of this act, and shall not be completed within five years after it shall have been commenced, then this act shall be void and the powers conferred by it shall cease.

SEC. 21. *And be it enacted*, That this act shall take effect from the date of its passage.

Approved May 5, 1853.

C.

AN ACT amendatory of the act entitled "An act to incorporate the Metropolitan Railroad Company," passed January session, 1853.

SECTION 1. *Be it enacted by the general assembly of Maryland*, That it shall not be necessary to complete the railroad authorized to be constructed by the act to which this is amendatory, to Hagerstown, as provided in the thirteenth section of said act, before any dividends of the net profits arising from the business of said company shall be declared, and distribution thereof made amongst the stockholders; but that if, in the progress of the construction of the said railroad to the

aforesaid point of completion, the president and directors of the said company should think proper to equip for service any completed part thereof, they are hereby authorized to do so, and to distribute the net earnings or profits (or so much thereof as they may think proper to distribute) arising from the transportation and business done upon such completed part, amongst the stockholders, in dividends, to be declared annually or semi-annually, at their discretion; and that no part of the aforesaid net earnings or profits shall be applied to the construction of the further or other portions of the contemplated railroad aforesaid, unless the president and directors shall deem it best for the interest of the company to do so, and then they may apply the whole or any part of such net earnings or profits, at their discretion, in the work of finishing other portions of said railroad.

SEC. 2. *And be it enacted*, That the said Metropolitan Railroad Company may form or establish working connexion with the Baltimore and Ohio Railroad Company, at any point not exceeding the distance of one mile from the place or places where it is authorized to cross the Baltimore and Ohio Railroad.

SEC. 3. *And be it enacted*, That all moneys obtained upon subscriptions to the stock of said Metropolitan Railroad Company, paid by the citizens or residents of the respective counties or cities in the State of Maryland within which its railroad may be located, shall be exclusively expended in locating, constructing, and completing the parts of its said railroad lying within the counties or cities to which the subscribers respectively belong, unless they shall file their written consent with the president and directors of the company, leaving it to their discretion to expend the money where and how they please for the best interests of the company.

SEC. 4. *And be it enacted*, That all parts of the original act to which this is amendatory which are inconsistent with this amendment be, and the same are, hereby repealed.

SEC. 5. *And be it enacted*, That the time within which the said Metropolitan Railroad Company is required to complete its said railroad, as limited by the twentieth section of the original act, shall be, and is hereby, extended so as to include the period of ten years from the commencement of said railroad.

SEC. 6. *And be it enacted*, That this act shall take effect from the day on which it may be passed.

Passed March 6, 1856.

D.

AN ORDINANCE authorizing a subscription of five thousand shares of the capital stock of the Metropolitan Railroad Company.

SECTION 1. *Be it ordained by the board of aldermen and board of common council of the corporation of Georgetown*, That the mayor be, and he is hereby, authorized and required to subscribe, in the name and for the use of this corporation, for five thousand shares of the capital stock in the Metropolitan Railroad Company.

SEC. 2. *And be it further ordained*, That for the purpose of paying the instalment due at the time of subscribing, the clerk, under the direction of the mayor, be, and he is, authorized and required to borrow, on the credit of this corporation, at a rate of interest not exceeding six per centum per annum, the sum of twenty-five thousand dollars.

Approved June 11, 1853.

E.

A RESOLUTION appointing a committee to vote the stock of this corporation in the Metropolitan Railroad Company.

Resolved by the board of aldermen and board of common council of the corporation of Georgetown, That Evan Lyons, David English, Robert P. Dodge, Wm. H. Edes, and Walter S. Cox, or a majority of them, be, and they are hereby, appointed a committee to vote the stock of this corporation in the Metropolitan Railroad Company, at a meeting of the stockholders of said company to be held on the 28th instant, and at all subsequent meetings of the stockholders of said company, until otherwise ordered.

Approved July 23, 1853.

F.

AN ACT authorizing the corporate authorities of Georgetown to impose additional taxes and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the mayor, recorder, aldermen, and common council of Georgetown, be, and they are hereby, authorized and empowered to lay and collect a special annual tax of seventy-five cents, or so much thereof as may be necessary, upon every hundred dollars of property by law now taxable within the corporate limits of said town; and all money vested or held in any banking, insurance, brokerage, or exchange company or institution, upon all State or corporation stocks, and money loaned at interest, or bond, mortgage, or other evidence of indebtedness, in order to meet the engagements recently assumed by said town in subscribing to the stock of the Metropolitan Railroad Company; and to pledge the same to secure the said engagements in such a manner that no part of the same shall in any event be applied to any other object; and the like remedy shall be used for the recovery thereof as is now used for the recovery of other public taxes in said town: *Provided*, That said tax or assessment of seventy-five cents upon every hundred dollars of property shall not be made until after the next general election of mayor, aldermen, and common council of Georgetown.

SEC. 2. *And be it further enacted*, That the said corporation of Georgetown shall have full power and authority to introduce into said

town a supply of water for the use of the inhabitants thereof, and to cause the streets, lanes, and alleys, or any of them, or any portion of any of them to be lighted by gas or otherwise, and to provide for the expense of any such works or improvements, either by a special tax or out of its corporate funds generally, or both, at its discretion.

Approved March 2, 1855.

G.

AN ORDINANCE authorizing the payment of the second instalment of the subscription to the stock of the Metropolitan railroad.

Be it ordained by the board of aldermen and board of common council of the corporation of Georgetown, D. C., That Evan Lyons, David English, Robert P. Dodge, W. H. Edes, and Walter S. Cox, the proxies now authorized to vote the stock of the corporation in the Metropolitan railroad, be, and they are hereby, directed to procure from some suitable person or persons blank coupon bonds of the denomination of five hundred dollars and one thousand dollars, to an amount sufficient to cover the subscription of this corporation to the stock of said railroad, in such proportions as they may think advisable, bearing an interest of six per cent. per annum, payable half yearly, at some one of the banking houses in the District of Columbia, and the said bonds to be irredeemable for twenty-five years from their date, and redeemable after that time at the pleasure of the corporation; and the faith of this corporation is hereby pledged for the payment of the interest on the said bonds semi-annually, and the ultimate redemption of the bonds at their maturity, under authority of an act of Congress entitled "An act authorizing the corporate authorities of Georgetown to impose additional taxes, and for other purposes," approved March 2, 1855; and the said persons so named above are hereby directed to hold the custody of said blank bonds until otherwise ordered by the corporation.

SEC. 2. *And be it further ordained,* That the said persons so named be, and they are hereby, instructed, within two weeks after the approval of this ordinance, or as soon thereafter as they may be in possession of the aforesaid blank bonds, to hand over to the mayor and clerk of this corporation blank bonds to the amount of twenty-five thousand dollars, to meet their second instalment of the corporation subscription to the said road, as called for by the directors of said Metropolitan Railroad Company and the mayor and clerk is hereby authorized and requested to sign the same, and the clerk of the corporation is directed hereby to pay to the treasurer of the Metropolitan Railroad Company the second instalment on the stock of said company now called in the bonds of this corporation hereby ordered to be issued at their par value, and take his receipt for the same.

Passed by a vote of two-thirds of the boards June 21, 1856.

H.

To the honorable the Senate and House of Representatives of the United States of America:

The memorial of the stockholders of the Metropolitan Railroad Company respectfully represents: That they own the number of shares herein set opposite to their respective names, of the capital stock of the Metropolitan Railroad Company, chartered by an act of the legislature of the State of Maryland, by which the said company were authorized to construct the said road from a point on the Baltimore and Ohio railroad to the boundary line of the District of Columbia; and by an act of your honorable bodies, the said company were authorized to extend said road within the corporate limits of Georgetown. The said company, properly estimating the importance to the travelling community of extending the said road from their depot in Georgetown to the depot of the Baltimore and Ohio railroad in Washington, and the great advantage to the citizens of Washington and Georgetown of passenger railway tracks in said cities, the president and directors of said company have presented several memorials to your honorable bodies, praying that such power may be vested in them. Your memorialists, therefore, do most respectfully request that the power to lay down and construct passenger railway tracks in the cities of Washington and Georgetown may be granted as petitioned for to the Metropolitan Railroad Company.

And your memorialists, as in duty bound, will ever pray.

Georgetown stockholders.

	Shares.	Amount.
D. English, Robert P. Dodge, Evan Lyons, W. H. Edes, proxies for corporation of Georgetown.....	5,000	\$250,000
P. Duddey, treasurer of Georgetown College.....	25	1,250
The Sisters of the Visitation, Georgetown.....	20	1,000

	Shares.	Amount.		Shares.	Amount.
D. English.....	20	\$1,000	J. L. Kidwell.....	15	\$750
Robt. P. Dodge.....	50	2,500	James Wallace.....	2	100
Wm. H. Edes.....	10	500	J. R. Thomas.....	10	500
F. & A. H. Dodge...100	5,000		J. D. Cathell.....	2	100
Evan Lyons.....	20	1,000	W. F. Seymour.....	10	500
Esau Pickrell.....	10	500	Geo. W. Beall.....	5	250
Richard Pettit.....	20	1,000	J. G. Waters.....	5	250
A. H. Pickrell.....	10	500	Theo. F. Boucher...	3	150
Joseph Libbey.....	20	1,000	John E. Cox.....	5	250
James A. Magruder..	10	500	Thomas Jewell.....	3	150
Henry H. Dodge.....	5	250	Edwd. Cammack.....	2	100
John H. Waters.....	5	250	William Noyes.....	5	250
Peter Berry.....	10	500	Thomas Hunter.....	4	200
Geo. Shoemaker, jr..	30	1,500	Homiller & Duvall...	40	2,000
William Clabaugh...	10	500	W. A. Bradley.....	20	1,000

	Shares.	Am't.		Shares.	Am't.
Otho Z. Muncaster....	10	\$500	H. L. Kengla.....	20	\$1,000
John H. Smoot.....	10	500	Robert White.....	2	100
Mayfield & Brown....	2	100	John Davidson.....	20	1,000
J. S. Blackford.....	5	250	F. Wheatly.....	10	500
J. M. Belt.....	4	200	P. Von Essen.....	5	250
Chas. D. Welch and			William King.....	2	100
John H. Wilson....	1	50	P. T. Berry.....	20	1,000
Rittenhouse & Sweeny	10	500	J. E. Carter.....	2	100
Richard Fullalove....	2	100	C. F. Shekell.....	2	100
Th. A. Lazenby.....	10	500	Wm. Parsons.....	2	100
A. Young.....	3	150	R. S. T. Cissel.....	5	250
R. Daw.....	1	50	James Fullalove.....	1	50
T. Remick.....	2	100	L. Kengla.....	10	500
Richard R. Shekell....	2	100	Ann Pickrell.....	10	500
Geo. M. Sothoron....	5	250	M. A. Thomas.....	10	500
Thomas Turvey.....	1	50	Ramsburg & Ebert....	10	500
M. L. Williams.....	4	200	Thos. Brown & Son...	20	1,000
John J. Bogue.....	3	150	Peter O'Donnoghue...	5	250
Allen Dodge.....	40	2,000	W. D. Beall.....	3	150
Mary E. McDaniel....	5	250	J. M. May.....	3	150
A. Hyde.....	3	150	Geo. Waters.....	20	1,000
Edward Chapman....	10	500	Alfred Lee.....	5	250
Grafton Tyler.....	10	500	F. W. Risque.....	20	1,000
J. N. Fearson.....	10	500	W. Albert King.....	6	300
Joseph F. Birch.....	2	100	H. C. Mathews.....	10	500
Henry King.....	1	50	W. Laird, jr.....	4	200
Reily & Brother.....	2	100	Andrew Barbour.....	2	100
Thomas Jackson.....	2	100	Walter Godey.....	5	250
C. A. Upperman.....	2	100	R. W. Barnard.....	2	100
Philip May.....	10	500			

Washington stockholders.

B. Ogle Tayloe.....	100	\$5,000	D. Clagett.....	20	\$1,000
B. B. French.....	5	250	James B. Dodson.....	5	250
C. L. Coltman.....	10	500	B. F. Morsell.....	2	100
Ulysses Ward.....	10	500	Charles Stott.....	2	100
Wm. M. Morrison....	5	250	Walter Harper & Co..	5	250
Hamilton G. Fant....	5	250	Lewis Johnson.....	10	500
Wm. L. Hodge.....	10	500	Thomas B. Griffin and		
Wm. M. Ellis.....	5	250	Edwin Harris.....	2	100
J. B. Ellis.....	2	100	P. J. Steer.....	5	250
Perry & Brother.....	2	100	C. Woodward.....	20	1,000
H. Lindsly.....	5	250	Wm. McL. Cripps....	4	200
P. W. Browning.....	5	250	John Purdy.....	20	1,000
Thos. Young.....	2	100	Wm. G. Deal.....	5	250
W. Gunton.....	10	500	Wallace Eliot.....	30	1,500
Wm. T. Herron.....	20	1,000	D. O. Hare.....	5	250
Susan Ireland.....	20	1,000	Evan Hughes.....	10	500
Samuel Fowler.....	5	250	Jos. Bryan.....	10	500

	Shares.	Am't.		Shares.	Am't.
Thomas Blagden.....	10	\$500	Geo. & Thos. Parker..	40	\$2,000
Wm. Blanchard.....	4	200	Geo. Mattingly.....		
H. C. Purdy.....	2	100	M. W. Galt & Bro.....	5	250
M. T. Parker.....	1	50	John Van Riswick	1	50
A. L. Newton.....	5	250	E. Wheeler.....	5	250
Wm. H. Upperman...	5	250	Taylor & Maury.....	5	250
Jno. A. Smith.....	4	200	A. Green	2	100
H. S. Davis.....	10	500	James Adams.....	4	200
George H. Plant.....	10	500	Charles H. Lane.....	1	50
Wm. H. Harrover.....	2	100	E. Owen.....	10	500
Jesse B. Wilson.....	5	250	Noell & Boyd.....	2	100
Ed. Hall.....	5	250	Jos. H. Bradley	5	250
Edw. Swann.....	2	100	N. Callan.....	2	100
N. M. McGregor.....	2	100	Richard S. Coxe.....	10	500
Mrs. J. W. Maury....	60	3,000			
Total number of shares.....				6,504	
Amount				\$325,200	

I.

The undersigned, members of the board of aldermen and board of common council of the corporation of Georgetown, respectfully request the "committee of this corporation, which represents its interests before Congress," to urge upon Congress the passage of an act granting to the *Metropolitan Railroad Company* the right of way for their railroad through Pennsylvania avenue.

P. T. BERRY.

H. C. MATTHEWS.

JOSHUA RILEY.

GEO. W. BEALL.

D. ENGLISH.

J. N. FEARSON.

ESAU PICKRELL.

W. H. TENNEY.

W. KING, JR.

GEORGE HILL, JR.

JOHN W. McCOBB.

J. M. STAKE.

ROBT. P. DODGE.

MARCH 22, 1860.

BOARD OF COMMON COUNCIL,
Georgetown, December 31, 1858.

"Mr. Thomas presented, for the signatures of the members of the corporation, a memorial to the Senate and House of Representatives of the Congress of the United States, in behalf of a proposition from the Metropolitan Railroad Company, to construct a road along Pennsylvania avenue to connect with their road and the Washington branch of the Baltimore and Ohio railroad, and moved its adoption by this board; upon which motion the yeas and nays were demanded by Mr. Simms, and, being ordered, were taken as follows:

"Yeas: Messrs. Cropley, Godey, Mackall, Muncaster, Myers, Ritter, Shoemaker, Simms, Tenney, and Thomas.—10.

"Nays: None.

"So the motion to adopt the memorial was concurred in."

The above extract is a true copy taken from the records of the board of common council of Georgetown, D. C.

Test:

W. ALBERT KING,
Clerk Board of Common Council.

J.

To the Directors of the Metropolitan Railroad Company:

GENTLEMEN: In reply to your inquiry as to what amount of work I did for the Metropolitan Railroad Company, I reply, that in April, 1855, on the order of F. Dodge, esq., president of the board of directors, I excavated about three hundred cubic yards of earth on section eight of said road, for which he paid me fifty dollars; after that, with the consent of the railroad company, I took a contract from John S. Christie & Co., of New York, (who had contracted for twenty miles of the road from the district line to its connexion with the Baltimore and Ohio railroad near the Point of Rocks,) to finish said section, (8,) and worked on it from December, 1855, to the 9th of June, 1856, at which time the work was suspended on account, as I understood, by the failure of the authorities of Georgetown to pay their second instalment on their stock, called for by the board of directors. The amount of work I did was the grubbing and clearing this whole section and about twenty thousand cubic yards of embankment and excavation. One-half of the section was fully graded, for which work I received monthly estimates amounting to some two thousand dollars. Christie & Co. did quite as much work on the adjoining section and received as much money from the company as I did. The whole work was suspended, as I have before stated, on the 9th of June, 1856, for want of money to continue the work. The exact amount of money received by me, as also by Christie & Co., will appear by the books of the secretary of the railroad company, which is about the amount stated above.

THOMAS M. McCUBBIN.

WASHINGTON CITY, *April 27, 1860.*

Subscribed and sworn to before me this 27th day of April, 1860.

THOMAS C. DONN, *J. P.*

K.

Extract from the report of the board of directors of the Alexandria, Loudoun, and Hampshire Railroad Company.

The board of directors of the Alexandria, Loudoun, and Hampshire Railroad Company respectfully submit to the stockholders their seventh annual report:

It appears from the reports of Messrs. Randolph and Bowie, division engineers, in charge of that portion of the road now under construction, (the $41\frac{1}{2}$ miles from Alexandria to Clarke's Gap, in Loudoun county,) as follows:

The graduation and masonry are so nearly complete as to offer no material impediment to the steady progress of the track-laying, there remaining to be done only some redressing upon the excavations and embankments which were first made.

The track-laying has nearly reached Broad run, 28 miles from the Alexandria depot, and the necessary rails for completing the track to the gap are upon the company's grounds in Alexandria.

The bridges east of Broad run are in place, and the timber for the remaining bridges is on hand. The Broad Run bridge is framed and only awaits, for a few days, the completion of the track to that stream to be put up, and those over Beaver Dam, Goose creek, Sycolin, and Tuscarora will be erected as soon as the track shall arrive at those streams.

A few thousand cross-ties only are wanting for the track to Leesburg, (36 miles,) which important town we hope and expect to reach by January next. The board expect soon to have in active use that portion of the road which extends from Alexandria to Broad run.

All of which is respectfully submitted, by order of the board.

LEWIS McKENZIE, *President.*

L.

Metropolitan Railroad Company in account with J. W. Deeble, treasurer.

DR.

To expenditures on account of—

Engineers' expenses, (salaries excepted).....	\$3,246 39
Contingent expenses.....	914 35
President's salary.....	1,659 78
Salary of secretary and treasurer.....	1,061 95
Salary of land commissioner for Montgomery county.....	800 00
Engineers' pay.....	16,486 89
Commissioners' expenses.....	450 50
Directors' expenses.....	184 47
Balance on deposit to credit of company.....	25,286 67

50,091 00

Cr.

By cash received on account of—

First instalment on 9,998 shares at \$5 each....	\$49,990
Two shares in full.....	100
Knife charged to company through mistake....	1
	<hr/> \$50,091 00 <hr/>

E.E.

J. W. DEEBLE, *Treasurer.*

METROPOLITAN RAILROAD OFFICE,

Georgetown, D. C., July 1, 1854.

M.

RESOLUTIONS pledging the corporation of Georgetown to make a subscription to the Alexandria, Loudoun, and Hampshire Railroad Company, upon certain conditions.

Resolved by the board of aldermen and board of common council of the corporation of Georgetown, That in the event of an appropriation of money by Congress to build a bridge over the Potomac at the aqueduct, or near said aqueduct and west thereof, this corporation, by itself, and the citizens of Georgetown, pledges itself to subscribe, or have subscribed to the stock of the Alexandria, Loudoun, and Hampshire railroad a sum not exceeding two hundred thousand dollars, sufficient to construct a branch of said road from the bridge hereinbefore referred to to the main line of said road, and to intersect the same at such point as may be agreed upon by the directors of said road and this corporation: *Provided,* however, That this resolution shall have no force whatever, or be in any manner binding upon this corporation, until it shall have been submitted to the consideration of the legal voters of this town, according to the provisions hereinafter made, and be sanctioned by a majority of votes at the polls.

And be it further resolved, That it shall be the duty of the mayor, as soon as these resolutions shall be approved, to appoint some day within the next two months, of which due notice shall be given, during which the polls shall be opened at the town hall, under the direction of three judges to be selected by the mayor from the present judges of elections, that the sense of the legal voters of the town shall be taken upon the propriety of the subscription as aforesaid, with the limitations therein provided, and those in favor of such subscription shall vote aye; and those opposed to it shall vote no.

Approved August 22, 1857.

N.

A RESOLUTION appointing a committee to confer with the Alexandria, Loudon, and Hampshire Railroad Company.

Resolved by the Board of Aldermen and Board of Common Council of the corporation of Georgetown, That the mayor, the recorder, and E. Pickrell and I. Marbury, jr., of the board of common council be, and they are hereby, appointed a committee to confer with the Alexandria, Loudon, and Hampshire Railroad Company, in relation to the communication of Lewis McKenzie, addressed to the mayor, bearing date July 27, 1859.

Approved August 3, 1859.

O.

A RESOLUTION supplementary to a resolution in relation to a subscription of Georgetown to the Alexandria, Loudon, and Hampshire Railroad Company.

Resolved by the Board of Aldermen and Board of Common Council of the corporation of Georgetown, That this corporation hereby binds and pledges itself to make the subscription stated in the resolution to which this is a supplement, whether the money to build a bridge at or near the western side of the aqueduct be obtained from Congress or from any other source: *Provided,* That if the proposed bridge be built by any other party than Congress before the subscription shall be binding, a guarantee shall be given, to be approved by the corporation, that the bridge shall be such as the voters, when they approved the original resolution at the polls, expected, viz: a substantial bridge, adapted to railroad and ordinary travel, of sufficient dimensions safely to accommodate the public free of tolls, and to be kept in repair without expense to the corporation.

Approved September 17, 1859.

P.

A RESOLUTION in relation to the Alexandria, Loudon, and Hampshire railroad.

Resolved by the Board of Aldermen and Board of Common Council of the corporation of Georgetown, That the committee appointed by resolution approved August 3, 1859, in relation to the Alexandria, Loudon, and Hampshire Railroad Company be authorized and requested to confer with said company in relation to the selection of such a route as will be acceptable to this corporation, and to report such route as may be agreed upon, or such propositions as may be tendered by said company to this corporation for their consideration.

Approved October 1, 1859.

Q.

A RESOLUTION in relation to the Alexandria, Loudon, and Hampshire Railroad Company.

Whereas the Alexandria, Loudon, and Hampshire Railroad Company has proposed to this corporation, as its ultimatum, a connexion with said road at a point not further west than the point called the old Columbia Factory, as stated in the communication of the president of said company. Therefore be it

Resolved by the Board of Aldermen and Board of Common Council of the corporation of Georgetown, That said proposition be respectfully declined, and that the clerk is hereby requested to transmit a copy of this resolution to the president of the said road.

J. T. BANGS,

President of the Board of Common Council.

H. CAPERTON,

Recorder and President of the Board of Aldermen.

Approved February 5, 1860.

H. ADDISON, *Mayor.*

APRIL 15, 1860.

True copy—test :

WM. LAIRD, *Clerk.*

Extract from the minutes of the Metropolitan Railroad Company, April 4, 1855.

2d. “*Resolved, That in case of any refusal or delay of the present successful bidders in completing the contract within the present month, the president be authorized to employ competent persons to commence the road, under the legal advice of Mr. Marbury.*”

Memorandum following the proceedings of the above date :

“The road was commenced, in compliance with the 2d resolution of the foregoing proceedings, on the 10th of April, 1855, under the supervision of the president and assistant engineer, and in the presence of Messrs. William Tomlinson, William Huddleston, Allison Nailor, Chas. H. Talbot, and E. Chapman.”

The above are true copies from the record.

J. W. DEEBLE,

Secretary Metropolitan Railroad Company.

Affidavit of Mr. Deeble as to the legality of the election of the present board of directors of the Metropolitan Railroad Company.

On or about September 30, 1859, the proxies voting the stock of the corporation of Georgetown in the Metropolitan Railroad Company requested me, in writing, to "call a meeting of the stockholders of the Metropolitan Railroad Company on as early a day as is consistent with the requisitions of the charter," (sec. 5,) for the purpose of electing a new board of directors, according to section 6 of said charter; and I therefore called said meeting, by "giving thirty days' public notice of the time and place of holding the same, by advertisement * * * in newspapers published in Washington city, Rockville, Frederick, and Hagerstown," according to section 5 of charter.

J. W. DEEBLE,
Secretary Metropolitan Railroad Company.

MARCH 30, 1860.

Sworn before—

JENKIN THOMAS, J. P.

TREASURER'S SECOND ANNUAL REPORT.

Metropolitan Railroad Company in account with J. W. Deeble, Treasurer.

DR.

To expenditures on account of—

Engineers' expenses, (salaries excepted,).....	\$1,415 43
Contingent expenses.....	781 45
Engineers' pay.....	12,892 08
Commissioners' pay.....	12 00
President's salary.....	1,500 00
Salary of land commissioner for Montgomery county.....	600 00
Salary of secretary and treasurer.....	1,206 52
Directors' expenses.....	145 38
Construction.....	50 00
Balance on deposit to credit of the company.....	6,683 81
	<hr/>
	25,286 67

CR.

By balance reported on deposit July 1, 1854..... 25,286 67

J. W. DEEBLE, *Treasurer.*

E. E.

METROPOLITAN RAILROAD OFFICE,
Georgetown, D. C., July 1, 1855.

The *date* attached to the treasurer's first annual report, as appears in the "Memorial of a select committee of the directors of the Metropolitan Railroad Company," is typographically incorrect. It should have been July 1, 1854, and not July 1, 1853.

J. W. DEEBLE, *Treasurer.*

TREASURER'S THIRD ANNUAL REPORT.

Metropolitan Railroad Company in account with J. W. Deeble, Treasurer.

DR.

To expenditures on account of—	
Engineers' expenses, (salaries excepted,).....	\$68 19
Contingent expenses.....	746 62
Engineers' pay.....	1,388 89
Salary of secretary and treasurer.....	557 77
Directors' expenses.....	105 81
Farmers and Mechanics' Bank stock.....	5,600 00
Construction.....	4,165 04
Balance on deposit.....	79 74
	<hr/>
	12,712 06

CR.

By balance reported on deposit July 1, 1855...	\$6,683 81	
By receipts on account of second installment...	145 00	
By dividend on bank stock.....	240 00	
By bank stock sold.....	5,643 25	
	<hr/>	
		12,712 06
		<hr/> <hr/>

Respectfully submitted.

J. W. DEEBLE, *Treasurer.*

E. E.

METROPOLITAN RAILROAD OFFICE,
Georgetown, D. C., July 1, 1856.

The balance above reported (\$79 74) was subsequently expended.

J. W. DEEBLE, *Treasurer.*

No. 3.

Legal opinion of Joseph H. Bradley, Esq.

The bill, as originally reported, is defective, and subject to Mr. Benjamin's criticism, but there can be no difficulty in so amending it as to obviate all the objections he has interposed.

The facts substantially are: That Congress passed an act in anticipation of the legislation of Maryland, by which they granted the right of way in the District of Columbia to such company as might thereafter be chartered by the State of Maryland, to make a railroad from the district to some point on the Baltimore and Ohio railroad, at or near the Point of Rocks. Subsequently, the legislature of Maryland passed certain acts creating a company to make a road from Georgetown to the Point of Rocks. That company was formed, laid out the road and fixed its terminus in Georgetown. They now ask from Congress the right to extend the road from its terminus in Georgetown, by certain routes, to certain termini in the city of Washington.

It is said to be a foreign corporation, and that Congress cannot enlarge its powers. Without stopping to examine the weight of this objection, it is sufficient to say, Congress undoubtedly has power to pass a law enacting, by reference, the charter granted by Maryland. And they further have power to annex to the grant certain other powers and conditions, in addition to those already contained in it, unless this can be prevented by the opposition of some one or more of its stockholders.

It is material, then, to inquire whether a stockholder can prevent the corporate majority of an incorporated company from accepting a modification of their charter? It is not material whether application is made for it by a majority, as it all turns on the acceptance.

A long series of cases in England and this country has settled that an act of incorporation is a two-fold contract—a contract between the State and the corporation, and between the corporators themselves, and neither the government nor the corporators can impair the obligation of their contract, respectively. And a court of chancery has jurisdiction, on the application of a single corporator or more, to restrain the violation of either in a proper case, and enforce it on others.

The cases are collected in the edition of 1858 of Angel and Ames on corporations, sections 391, 392, 393, (and see *Dodge vs. Woolsey*, 18 How. 341, 342, 343, 344.)

The president and directors, or any other agents by which the corporation acts, or a corporate majority, are all alike subject to this jurisdiction, so that the powers, rights, and duties of the corporation shall all be kept within the limits of the charter. Its stock cannot be increased, its proper business changed, as from a railroad to a canal, or a life to a marine insurance, or a new and different or additional road be made, or any such like act, without the authority of the legislature or the assent of each individual stockholder.

But the proposition here is entirely different. It is to give new powers to—to add to, to limit and define other powers; in fine, to

amend the charter, subject, of course, to the acceptance of the company.

It is an admitted rule that the majority in corporations must govern. The majority is generally provided for in the charter. The majority may accept a new or amended charter. It may even work a dissolution, if it cannot dissolve the company—that is, it may wind up its affairs before the expiration of the charter.

Indeed, if it were otherwise, and they could not accept, the great object and end of all corporations in which the public is interested, and which alone justifies and authorizes the condemnation of the land of a private citizen for the public good, would be defeated, and the injury resulting from such condemnation would be without redress. Put the case of this road, with a charter allowing a capital of \$2,000,000, and the whole of it expended before the road had reached its terminus, the company has no power to enlarge its capital or increase its stock without the authority of the legislature; and, according to this proposition, the legislature could not lawfully grant it if one perverse and obstinate man owning one single share should oppose it.

The difference consists in this, that while no power, either legislative or social, can do anything not authorized by an existing charter, that charter can be modified by the legislature, with the consent of the corporation, speaking by its proper exponent a corporate majority, so as to accomplish that which neither alone could do. And it would be a fruitless search among the judicial decisions, which have been for a quarter of a century molding and shaping the law of corporations, for a single case to give any countenance, even by argument, to the idea that any number of corporators less than a corporate majority could prevent the acceptance of an amendment of the charter.

There is, however, this distinction to be taken, that while it is competent for the majority of the company to apply for and accept an amendment to its charter, such amendment will bind the minority only in cases in which it is to effect the original design of the corporators. But so soon as it makes a fundamental change in the organization itself, the objects of the association, or the particular purpose for which it was formed, it ceases to be obligatory on the minority. The question whether it does or not make this material and fundamental change, is a question for the courts exclusively, and will depend not upon authority so much as on the peculiar circumstances of each particular case, and the result to which the mind of the judge may be brought by them.

Another question then arises, What are the rights of the minority? Undoubtedly, any dissenting stockholder, or any number of them, may apply to a court of equity for relief, and if the full subscription has not been paid, that court may restrain the company from enforcing it, or, if it has been paid in full, may restrain the company from using the corporate funds or their profits in furtherance of this new design. So far the courts have gone. It is possible, nay probable, in such cases, that the court would go further and decree an account, and make the company pay to such dissentient the value of his stock.

I apprehend the general principle will be found to be the same in

England and in this country, except in those States in which, in the grant of the charter or by general law, it is provided that the legislature may modify and repeal all such charters.

The leading cases in England will be found to be *Ware vs. The Grand Junction Water Company*, 2 Russ. & Mylne, 470, 483; *Midland Railway Company vs. Gordon*, 16 M. & W., 802; *Stevens vs. The Southdown Railway Company*, 13 Beav., 48; *Ffooks vs. London and Southwest Railway Company*, 19 L. & Eq., 7.

In the United States, *Stevens vs. The Rutland and Burlington Railroad Company*, 3 Williams, (29 Vermont R.) in the appendix, in which most of the authorities to that date will be found; *McCray vs. Junction Railroad*, 9 Ind. 358; *Boode vs. Junction Railroad*, 10 Ind. 93; and the *Buffalo and New York City Railroad vs. Dudley*, 4 Kernan, (14 N. Y.) 385, where the case of the *Hartford and New Haven Railroad Company vs. Croswell* will be found commented on.

It is therefore advisable in the present act to provide—

First. Re-enact the Maryland charter, with the additional power to extend the road from the terminus in Georgetown to such termini and by such routes as may be prescribed in the bill.

Second. To provide that such and so many of the stockholders of the company as shall by a day certain accept in writing this amendment, shall be assessed with, or their subscriptions applied to the construction of this branch, with power to them to increase their subscriptions, as they may see fit, to an amount necessary to complete the work; in default thereof, that the president and directors, after due notice, may open their books for further subscriptions, to be applied to this enlargement of the work.

The view thus briefly sketched might be greatly enlarged by considerations growing out of and connected with these great arteries of intercommunication, in which the public has a direct interest, and for which private property is allowed to be taken for public use; and in this particular case much might be said of the importance to the government in its postal arrangements, and its preparations for the common defence, in uniting this road, near the base of the Capitol, with the great northern and southern route. But such questions are rather for the legislature than the lawyer, and all that has been said is rather to suggest than to argue the right and propriety of this amendment.

